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TO ENCOURAGE THE STUDY AND ADVANCE THE KNOWLEDGE OF THE HISTORY OF ENGLISH LAW.

Select Pleas
in
Manorial and other Seignorial Courts

VOLUME I.

HEN. III. AND EDW. I.

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Selden Society

SELECT PLEAS IN MANORIAL AND OTHER SEIGNORIAL COURTS

VOLUME I.

REIGNS OF HENRY III. AND EDWARD I.

EDITED

FOR THE SELDEN SOCIETY

BY

F. W. MAITLAND

LONDON

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PREFACE.

The editor's best thanks are due to the Council of King's College, Cambridge, for permission to make and publish extracts from the rolls formerly belonging to the Abbey of Bec; to Mr. C. E. Grant, of the same college, for helping him to avail himself of that permission; to the Rev. W. Hudson of Norwich for hospitably introducing him to the archives of that city; to Dr. Bensly, Chapter Clerk of Norwich Cathedral, for allowing him to see the rolls belonging to the Chapter; to the Ecclesiastical Commissioners for a sight of the very ancient accounts of the Bishop of Winchester's estates; to the Rev. J. A. Bennett, of South Cadbury Rectory, Bath, for kindly sending him a transcript of some of those accounts; to the Right Honourable Lord Justice Sir Edward Fry, to Mr. Stuart Moore, to the Principal Librarian of the British Museum, to Mr. Walford Selby, Mr. Scargill Bird, and Mr. J. M. Thompson of the Record Office, for putting him on the track of early rolls; to Professor Thayer of Harvard and Mr. J. Round for valuable suggestions; to Mr. P. E. Dove, the Honorary Secretary of the Society, for ever ready assistance; and to Dr. Skeat for help in matters of etymology—help very generously given. He has further to confess to having had the inestimable advantage of seeing in manuscript some part of a book which it is to be hoped will very soon be before the public, a book in which Dr. Paul Vinogradoff of Moscow will deal at length with the English Manor as it was in the thirteenth

and earlier centuries. He wishes to say therefore that though he has endeavoured to refrain from forestalling his friend and fellow labourer, he is well aware that about several points touched by the following Introductions, in particular about the privileges of the tenants on the ancient demesne, his opinions would hardly be what they are had he not enjoyed the good fortune of conversing with Dr. Vinogradoff and reading parts of his yet unpublished work.

CONTENTS.

INTRODUCTION.

Turning now for a while from the records of the king's courts to the records of the local courts, the Society is putting the sickle into an abundant harvest and one that will not easily be reaped.

Records of the local courts.

How best to garner the great mass of information contained in the manorial rolls so as to render it available for students of legal history is a grave question. More than one course should be pursued. In the first place it would be well to pick out a few selected manors, to select them because they have unusually complete and continuous records, and then to print those records in full. There are several difficult problems that could only be solved by such a procedure; in particular there is the great problem of customary tenure—How far was it really precarious, how far was 'the will of the lord' tempered or controlled by 'the custom of the manor'? Only by watching some group of manors decade by decade and year by year shall we be able to give this question its full answer, for these rolls are taciturn, they do not easily yield up their testimony, but must be examined and cross-examined. They state no general doctrines as to the heritability or alienability of the customary tenements, and only by a careful comparison of the names of tenants, the amounts of the fines on admittance and other small details shall we obtain secure information as to the true and practical nature of the tenure. A few sets of rolls completely printed beginning in the thirteenth and ending in, let us say, the sixteenth century, would be of inestimable value, especially if they began with surveys or 'extents' and ended with maps.

Proposals for dealing with them.

The work of editing such rolls would be best done by one who had not only plenty of leisure but also an intimate knowledge of and a special interest in the villages with which he would have to deal. Another task which might be undertaken, and one which perhaps would fall more perfectly within the programme of the Selden Society, would be that of making a full calendar or abstract of all the very earliest rolls. A calendar or abstract made in English, but giving the original text of all entries of critical importance, would probably be enough, for of course the rolls contain a great deal that is 'common form' and a volume which gives both text and translation covers but little ground.

Plan of this book.

But on the present occasion and by way of first experiment neither of these courses has been taken. The idea which has governed the making of this book is that of fairly representing some early and typical rolls of several very different kinds, the rolls of ordinary manorial courts, the rolls of a great honour, the rolls of a court on the royal demesne, the rolls of an ancient hundred court fallen into private hands, the rolls of the court of a fair. In carrying out this idea of a just representation it has been necessary to print some matter which in itself is dull and monotonous; a book full of curiosities would be a very unfair representative of what went on in the local courts. We cannot form a true notion of them unless we know how they did their ordinary work, and this we cannot know until we have mastered their common forms.

The practice of enrolling pleas; its history

At present it would seem that half a century or thereabouts passed away before the local courts began to follow the example set by the royal tribunal and to put their proceedings into writing. We have secondary evidence that the Abbot of Ramsey had begun to keep court rolls as early as 1239, for a copy of some entries from a roll of that date is found in the cartulary of the Abbey and is already in print.[1] At present the oldest specimen of a court roll that I have seen is one which belonged to the Abbot of Bec, and

[1] Cart. Rams. i. 423.

which now belongs to King's College, Cambridge; it begins in 1246. The rolls of Letcombe Regis which begin in 1267 were the oldest known to Sir Francis Palgrave.[1] But it is very likely that there are yet older rolls in existence. It will be remembered that we are not now dealing with documents which ought by rights to be among the national archives, and that therefore no final or approximately final judgment as to the whereabouts of the earliest roll can be passed until, not only the Record Office and the British Museum, but also the libraries and muniment rooms of colleges and cathedrals and the other lords of manors have been thoroughly explored. Fortunate would it be if what we have just said would set such lords on proving that we have fixed too late a date for the beginning of the practice of enrolling manorial pleas and on vying with each other for the possession of the very most ancient roll. At present it must suffice that about the middle of the thirteenth century not a few of the great religious houses, the most prudent and methodical of landlords, were beginning to keep written record of what was done in their courts; but any extant series of rolls from that century is in general so discontinuous that we shall probably convey the right notion if we say that rolls of Edward I.'s time are rare and that rolls of Henry III.'s time are very rare.[2]

The court roll and the 'extent.'

The appearance of court rolls is to all seeming connected with the economic movement which has given us our wealth of manorial 'extents.' About the middle of the century many of the abbeys and other provident landowners were taking stock of their possessions, reducing into black and white the complicated terms of the customary tenure and setting an exact value on every service due from their

[1] Public Record Office, Chapter House County Bags, Berks, No. 3. I have copied these rolls but cannot find room for them in this volume. Palgrave speaks of them in Ancient Kalendars and Inventories (Rec. Com.), i. lxvi.

[2] With great regret I have to say that my search for early rolls has not been nearly so thorough as I had wished it to be. In particular, the time that I had set apart for a visit to Oxford, where there is great store of rolls, was otherwise occupied. I have more than once heard of rolls of John's reign, but they have hitherto retreated before me; still it is quite possible that there are some in existence.

tenants. We can soon see that the court roll was primarily an economic document; its first object was not, as in modern times, to afford the villani and custumarii written evidence of their title—'tenure by copy of court roll' or even tenure by court roll had not as yet been conceived; nor was it mainly useful as a formal record of adjudicated litigation; rather it seems intended to serve as a check on the manorial officers; it tells the steward and the lord of the occasional profits of the manor, the fines, amercements and perquisites which are to be collected by the bailiff or the reeve; this is the original germ which expands and develops into a chronicle of all that happens in the court. A reader may be asked to have this in mind if he is dissatisfied by the meagre brevity of many of the entries here printed. He would like to know particulars of the offence for which some one is amerced, how it was proved, who delivered judgment, and many details of practice and procedure; but the lord cared for none of these things; enough for him that John Miller owed him sixpence and that Robert Smith and William Reeve were pledges for the payment. We are in good luck when we can compare a court roll with an extent; the one supplements the other; the extent tells us of the tenure and the status of the actors who appear on the court roll; the court roll shows us how great or how small is the influence which distinctions of tenure and of status have on the behaviour of suitors and litigants. The extent displays the manor at rest, the court roll the manor in motion; the one is statical, the other dynamical.

The court roll and the bailiff's accounts.

There is another class of documents besides the 'extents' with which the court rolls are connected, but from which they must be distinguished, namely, the accounts of the manorial officers. There is in existence, for example, a splendid series of rolls containing the accounts of the manorial officers of the bishop of Winchester, a series which goes back to the episcopate of Peter des Roches and the year 1209.[1] These rolls, worthy of a great prince, seem to

[1] In the keeping of the Ecclesiastical Commissioners, No. 159,270. I have to thank Mr. Bennett of South Cadbury Rectory for kindly informing me of the existence of these rolls.

be modelled on the royal Pipe Rolls; they record the proceedings of great annual audits at which the reeves of the various manors accounted in just the same fashion as that in which the king's sheriffs accounted to the Exchequer. These accounts are extremely full and contain many items due to the action of the manorial courts, such as fines and amercements. Still they are not court rolls. The form that they take is that of stating, not that A is amerced, but that the reeve of the manor renders an account of, among other items, A's amercement. Most valuable though they are, they do not fall within the scope of this book.

Plan of Introduction.

The courts with which we have to deal differ so much from each other in their nature and their powers that it has seemed best to preface our extracts from each particular set of rolls by a few notes about the court to which they belong. Here by way of a more general introduction it may be permitted us to raise certain questions suggested by the rolls. These questions shall be as to some general principles which regulated the existence, jurisdiction and procedure of the local courts in the latter half of the thirteenth century—that is to say, at the first moment at which we get much information about them.

Classification of courts.

The courts then known to the English law, if we leave out of account the king's courts and the courts christian, seem to fall into three classes, which we may call respectively (1) communal, (2) municipal, and (3) seignorial. The first class includes the county courts and such of the hundred courts as had not passed into private hands. I have not as yet seen any rolls belonging to such courts, and according to a common opinion they kept no written records. That opinion however seems disputable, and on some future occasion we may have the good luck to find the rolls of a county court.[1] Courts of

[1] When a hundred court was in private hands, its proceedings were recorded. Surely the sheriff had every reason to keep rolls for those courts which were in his hands. Such rolls however would not serve as family title-deeds, and therefore may not have been carefully preserved. We might thus explain why none are forthcoming without supposing that none ever existed.

The Burton Cartulary, edited by

the second or municipal class might be well represented by some rolls of Edward I.'s reign, if not of Henry III.'s; but it has been thought desirable to postpone for some future volume the task of showing what was done in the chartered cities and boroughs and to confine our attention to the open country. We are then to deal with courts which may be called seignorial: they are courts which have lords; we will speak of them as they were at the end of the thirteenth century.

I.

Classification of seignorial courts.

It is very desirable that we should fix some date for our survey, and so far as may be use only those terms which were current at that date; otherwise we shall be guilty of anachronisms. For example, when we take up a roll of the thirteenth century we must not at once insist on an answer to the question, Is the court whose work is now before us, a court leet, or a court baron, or a customary court of a manor? Before so doing we ought to be satisfied that these terms were in use among those for whose behoof our document was originally written. Now the Selden Society is as yet too young to allow of our speaking very positively on this matter; but it may well be doubted whether any one of these three terms was in common use even at the end of the thirteenth century. The word 'leet' seems to have been confined almost, if not altogether, to a district in the east of England.[1] We have in the Hundred Rolls and the Placita de Quo Warranto an enormous number of entries which most undoubtedly relate to the jurisdiction which in later days was the jurisdiction of the leets; but, if I mistake not, the word itself is hardly, if ever, used out of Norfolk. The term 'customary court,' *curia custumaria, curia consuetudinaria*, I have not yet seen. As to 'court baron,' there is more to be said. Doubtless according to its etymology it means no more than 'the

Our technical terms are modern.

General Wrottesley for the Salt Society, p. 85, gives evidence that in 1280 the county court of Staffordshire kept a written record of its proceedings.

[1] See note A at the end of this Introduction.

lord's court,' the court of the baron, *curia baronis, curia domini, la court de seignur*, and certainly in the thirteenth century it was common enough to speak of the proprietary courts generically as *curiae baronum, curiae dominorum, curiae magnatum Angliae, les courtz des seignurs*, and to say, for example, that a writ of right must be brought *in curia domini, en la court de seignur*;[1] but such a phrase as '*a* court baron' which marks off one species of proprietary courts from other species, such phrases as we find in the later Year Books, 'il avoit une court baron,'[2] 'en court baron de J. T.,'[3] will I believe be looked for in vain. Usually one of these proprietary courts describes itself on its rolls merely as being the court of a certain person, or the court of a certain place, the Court of the Abbot of Ramsey, the Court of Broughton, the Court of the Abbot of Ramsey at Broughton, or the like. Occasionally we find more distinctive terms: for example, *curia libera Abbatis de Gloucestria, curia villanorum, halimotum, visus franci plegii*; of these hereafter.

Classification of jurisdictions.

It would seem that to a definite classification of courts the legal theory of the time had not attained. But at latest by the beginning of Edward I.'s reign it had attained to a definite classification of jurisdictions or of jurisdictional rights. These it divided into two classes. On the one hand there were the franchises and regalities (*libertates, regalia*) which, at all events according to the opinion of the king and his lawyers, could only exist in the hands of a subject by virtue of a grant from the crown:—if a subject had them he had them as the king's delegate. On the other hand there was jurisdiction involved in the mere possession of a manor, or in the mere fact of having tenants. The question which was constantly raised, raised throughout the length and breadth of the land by the rigorous 'quo warranto' inquiry of Edward I., was not 'What courts has this lord by rights —has he a court leet as well as a court baron?' but 'What powers has his court—has he any of the *regalia*, has

Regalities and feudal rights.

[1] See e.g. Bract. f. 329–30; Britton, ii. 326–9.
[2] Y. B. 1 Ed. IV. f. 10, Mich. pl. 19.
[3] Y. B. 6 Ed. IV. f. 3, Mich. pl. 9.

he view of frank-pledge, the assize of bread and beer, has he infangthief, or has he merely those rights which flow from tenure?' This should be observed, for it has an important bearing on the procedure of the courts. We find, for example, that a number of petty offences are presented and those guilty of them are amerced; some of these offences are merely manorial: the customary tenants have shirked their boon-works or done their ploughing badly; but others of these offences are petty misdemeanours against the general law of the realm: this man has committed an assault, that man is not in frank-pledge, this woman has broken the assize of beer, that woman has made too free a use of the English for 'meretrix'; but all seem to be dealt with indiscriminately and by one procedure. The court which had been enforcing the custom of the manor did not become some other court when it turned to punish breaches of the peace or to adjudicate upon actions of debt between the tenants; a lawyer might analyse its powers, might insist that some were royal franchises while others were not, but all its powers whatever they might be were used in the mass and apparently with little thought as to the various titles by which they had been acquired. This indiscriminateness may help us to some inferences about the past. It is as we move towards modern times that a distinction between courts of various kinds becomes apparent; there is the court leet, the police court, exercising royal franchises, a court of record,[1] in which, since it is the king's, jurors shall swear that they will keep the king's counsel and proclamation shall be made with a triple 'Oyez!'; suit to it is 'suit royal'; on the other hand is the court baron, a civil court, a court not of record, where no mention shall be made of the king's counsel and where only a single 'Oyez!' is permissible; suit to it is 'suit service.'[2] We may strongly suspect that even to the very last these lines of demarcation were habitually disregarded in practice. In the six-

[1] Coke, Reports, viii. 38 *a*, xi. 43 *b*.

[2] For these significant little points about proclamation and form of oath, see Kitchin, Courts, 6 *b*, 7.

teenth century the court at Manchester, whose records are now being printed, seems to have been court leet and court baron all in one; the same jurors present that A has made an affray on B, that B is the heir of C and ought to pay relief, that D's yard is in a filthy state.[1] But if we move backwards, even the theoretical differences become less obvious; we find (if I may so speak) a difference between functions instead of a difference between organs, and, whatever the king's lawyers may say, royal and patrimonial powers are but little distinguished by those who exercise both. It is the stringent 'quo-warranto-ing' which gradually brings out distinctions. In Edward I.'s time we can see that a court exercising these different functions is just coming to be regarded as two different courts. A prior has a charter which gives him 'sak, sok, toll, theam et infangenthef'; he is told that these terms have reference to a court baron and not to view of frank-pledge—*que quidem verba habent referri ad cur' baron' et non ad visum franci plegii*.[2] It is clear that *libera curia non est libertas nec regale*[3]; it is one thing to have *liberam curiam* and another to have *visum franci plegii*.[4]

Free court and halimote.

The term *libera curia* occurs pretty frequently; a lord is entitled to hold his *libera curia* though he has no franchises or regalities; thus it is opposed to the view of frank-pledge. Perhaps this term may sometimes mark another distinction; perhaps the free court is a court of freeholders as contrasted with a court of customary tenants. This may seem so when we find that the Abbot of Gloucester has a *libera curia* at Gloucester for all his greater freehold tenants, while on each of his manors he holds a *halimotum*. But we must not be quick to draw this inference; if a lord says that he has *liberam curiam*, he also says that he has *liberas furcas*,[5] which does not mean a gallows for freeholders

[1] Manchester Court Leet Records, e.g. i. 164.

[2] P. Q. W. 245. This is the one instance in which I have seen *curia baronis* in such a context that one naturally translates it by '*a* court baron.' Compare Y. B. 21 and 22 E. I. p. 108, 'yl ne dut respundre a curt de baron de purpresture presente a la lettre [sic] ky est plus aut court.' See also Britton, i. 135.

[3] P. Q. W. 313.

[4] P. Q. W. 395.

[5] P. Q. W. 765.

but merely signifies that the gallows is all his own, and that no one else must interfere with his thieves:—in the middle ages liberty.and property are closely connected ideas. *Halimotum* again is a common term for a manorial court; but a *halimotum* may certainly be attended by both freeholders and customary tenants.[1] The deep question how far the two classes of tenants were separated in the manorial courts must stand over for the present. I have seen a court calling itself *curia militum*,[2] a court of knights, and another which was *curia villanorum*,[3] a court of villans; *curia baronum* I have never seen nor do I know of any evidence that the freeholders of a manor were ever dignified by the title *barones*.

Past history of regalities and feudal rights.

Though the line between these two kinds of jurisdiction was well understood in Edward I.'s day we may doubt whether it had been observed in the past. We learn with certainty from the published Placita de Quo Warranto, which extend over a great part of Edward's reign, that very many of the lords, who as a matter of fact were exercising what the king and his lawyers regarded as royal rights, had no warrant for so doing save ancient seisin. This is true especially of the lay lords; but even the prelates had often no scrap of parchment which would suffice to support their claims. And here it is necessary to observe that if the great Edward in his efforts to reclaim his regalia did not suffer a decisive defeat, this was because, like a prudent bargainer, he began by demanding more than he hoped to get. When at the beginning of his reign he sent out his justices and his pleaders to recover his rights, the doctrine that he asserted was a doctrine which would have deprived a vast number of the lords of the powers that they were exercising—namely, that the only possible warrant for the exercise of royal rights is an express royal grant, and further that in the grantee's hands such rights are inalienable.[4] On this ground franchise after franchise was

Prescription for regalities.

[1] See Note B at the end of this Introduction.

[2] The Earl of Essex's court at Easter in Essex. Rec. Off., Duchy of Lanc., Bundle 62, No. 758.

[3] Brit. Mus. Add. Chart. 32,609. Court of Wartling in Sussex.

[4] Strong statements of this theory

challenged. But the king did not proceed to extremities; after keeping judgment in suspense for several years he consented to a compromise. In 1290 he conceded that continuous seisin from before the coronation of Richard I. should be an answer to the inquiry *quo warranto*. The practical difference between this rule and the theory which he had originally asserted must have been enormous; many a jurisdiction was thus saved, for the jurors readily swore that it had been exercised from time immemorial, and as a matter of fact it is far from plain that Edward succeeded in destroying any considerable number of jurisdictions. He succeeded however in defining the regalia and in laying down a law for after times; he could not cancel the past, but he could provide for the future; there were to be no further usurpations; no one was to suppose that because he had a manor, therefore he had some penal or correctional jurisdiction over such of his tenants as were personally free.[1]

Assumption of regalia had been common.

A study of these Placita de Quo Warranto seems to show that the minor franchises had been so systematically and universally usurped that we may be led to doubt whether in the past they had been regarded as regalia, and whether the act of assuming them had been regarded as wrongful. Let us take a group of townships near Cambridge which were subjected to the Quo Warranto inquiry in 1299. At Foulmire, Giles de Plaiz has view of frankpledge; at Shepreth and Barrington, the Abbess of Chatteris; at Haslingfield, the Abbot of York; at Caxton, Bourne and Granchester, the Prior of St. Neot's; at Granchester, William of Sengham; at Thriplow, Nicholas of Barrington; at Girton and Trumpington, Giles of Trumpington; at Cottenham, the Abbot of Croyland; in each of these cases the right is claimed by prescription, and in every case save one the claim is successful, the jurors testi-

are frequent in P. Q. W; see e.g. p. 86, Ralph Pipard's case. The doctrine that one cannot prescribe for royal franchises is found in Bracton, f. 56.

[1] See Note C at the end of this Introduction.

fying to seisin from time immemorial.[1] Whatever may have been the law, the fact seems to have been that a vast number of the lords of manors had in some way or another become possessed of the two jurisdictions known as the view of frank-pledge and the assize of beer; sometimes they exercised these in the presence of a royal bailiff, more frequently they excluded him; sometimes they paid to the sheriff a small sum in respect of these franchises, more frequently they paid nothing. Yet it is quite rare to find in a royal charter any express grant of the view of frank-pledge, and when it is granted the charter usually provides for the presence of the king's bailiff.[2] The king's pleaders always asserted, and apparently with success, that in a charter no words would serve to convey this jurisdiction save *visus franci plegii*; but as a matter of fact not one in ten of the lords who exercised it had any such term in his charter, and many of them had charters which made no mention of any franchises at all. As to the assize of beer, the lords of Northumberland, Cumberland, Yorkshire, and Lincolnshire pleaded that all lords, or all freeholders, had it by the common custom of their counties.[3]

Grants of sak and sok; their interpretation.

Another curious indication of a past history may be found in the fact that according to the law of Edward I.'s day no franchise whatever was conferred by those ancient and troublesome words so common in charters of the eleventh and twelfth centuries, *sak, sok, toll, team*. Varying explanations were given of their meaning, but the usual interpretation of them seems to have been this: *sok* is the right to hold a court for one's tenants, the right to the *libera curia*; *sak*, the right to the amercements arising from such a court; *toll*, the right to tallage one's villans; *team*, the right to the progeny, the brood, the team, of one's

[1] P. Q. W. 99–107.

[2] See e.g. the charter of the Bishop of Salisbury, Rot. Cart. 67, of the Bishop of London, P. Q. W. 475, of the Prior of Norwich, P. Q. W. 487, of the Abbot of Ramsey, P. Q. W. 10; all of these are due to King John. In Norfolk it was common that the king's bailiff should receive a shilling or the like out of the profits of the view. Where there is manor above manor it is often the superior lord who has the view.

[3] P. Q. W. 125-6, 189, 191–2–3–6, 220, 226, 417, 599.

villans.[1] We may be quite certain that one at least of these words, namely *team*, had been twisted from its original meaning, and on all of them a minimising interpretation seems to have been set.[2] In short, it was held that they did nothing; that they were like those 'general words' common in the conveyances of later times—that is, that they would convey no right that would not have passed without them; they did but describe the feudal or manorial jurisdiction and conferred no regality, no, not even the view of frank-pledge. If there was any old English word that would confer this last it was *frithsoken*.[3] An interpretation which makes these terms nugatory is one which the student of Domesday Book and the charters of the Norman kings will probably reject. Lords had sought the Norman kings for charters merely giving or confirming to them their *sak* and *sok*.[4] They meant something by this, something that only the king could bestow, and it seems plain that when Domesday was compiled, and even at the beginning of the twelfth century, *sak* and *sok*, whatever they meant, meant a jurisdiction that was not involved in the mere possession of a *manerium*.[5] But then what, if any,

[1] *Exposiciones vocabulorum*, as they were called, exist in great abundance; many are still in MS. Leg. Edw. Conf. c. 22 gives an early one; Hoveden, ii. 242, gives us another from the end of the twelfth century; then see Fleta, f. 62; Keilway's Reports (temp. Edw. III.), 145; Registrum Malmesburiense, i. 324; Chron. Abingdon. ii. 282; P. Q. W. 275, 511; also P. Q. W. 245, 'sak, sok, toll et theam et infangthief, que quidem verba habent referri ad cur' baron' et non ad visum franci plegii'; Keilway, 150 *b*, 'chescun seignior de commen droit avera tiels choses.'

[2] Apparently the right conveyed by *team* should be a right to hold a court into which persons may be vouched as warrantors, and the earliest glossarists understand this; but it is soon misunderstood. Schmid, Gesetze, Glossar, gives 'teâm originally deductio, hence soboles, proles; in legal language, advocatio ad warrantum, productio auctoris.' *Toll* again is sometimes the right to take toll, sometimes the right to be quit of toll, both of which rights are royal franchises; but it soon becomes the right to tallage one's villans, a common law right.

[3] Abbot of Colchester's case, P. Q. W. 235; 'frythsokene, fraunchise de fraunkplegge' ibid. 275. The word appears in Domesday as *frisoka*, *frigsoca*, *frigesoca*, D. B. i. 340, 357 *b*, 368 *b*; may not this be the source of the troublesome *sithessocna* or *sipessocna* in Leg. Hen. 6, § 1?

[4] See e.g. the St. Albans charters in Mat. Par. Chron. Maj. vi. 35, 38, 40; the Abingdon charters in Chron. Abingd. ii. 17, 89; the Ramsey charters, Chron. Rames. 205, 206, 208, 209, 214.

[5] See in particular D. B, i. 11 *b*; the Abbot of Battle holds the manor of Wye; it is worth £100, but would

jurisdiction was involved in the possession of a *manerium*? That is one of the unsolved riddles of Domesday.

Retrospect.

To whatever quarter we look the law seems to be emerging into clearness out of a confused and contentious past. The courts are drawing a line between franchises and feudal rights; but it is no easy task, and violence must be done to the facts and the theories of former times. The view of frank-pledge, now an undoubted regality, the lords have taken to themselves wholesale; the assize of beer they claim as of common right. It is difficult to believe that their usurpations have always been deemed usurpations; surely it was not merely the duty but the interest of the sheriffs to withstand such encroachments, to keep as much jurisdiction as possible in their own and their master's hands; though perhaps at times they took upon themselves to sell immunities for ready money. On the other hand the king's pleaders have grand notions of royalty:—These old words in the charters, these mean nothing or next to nothing; show us 'visus franci plegii' in your charter or give up exercising the right; *Nullum tempus occurrit Regi.*[1] We hear yet stronger and stranger assertions:—these charters of Offa, of Edgar, of the Confessor are worthless;[2] the Conquest put all jurisdiction into the hands of the Conqueror;[3] nay every grant of a franchise may be revoked if it has not been confirmed by the now reigning king.[4] The development of law has not been a quiet, orderly process of pure reason; it has been a struggle, sometimes a scramble. Even now the Earl of Warenne when asked for his title deeds produces a rusty sword.[5]

The franchises were of many various kinds and orders

be worth £20 more if he had 'sacas et socas.' Leg. Hen. Prim. 19: 'nec sequitur socna regis data maneria sed magis ex personis.'

[1] Bracton, f. 56.

[2] Keilway (temp. Edw. III.), 143 *b*. 'le Roy Edgar fuit devant le conquest, et par le conquest touts franchises fueront devolutes al mains le roy'; but this argument is abandoned.

[3] P. Q. W., e.g. 259, 303; 'quia in conquestu Anglie omnes hujusmodi libertates, jurisdicciones et alia que sunt ad tuicionem populi corone regis annexe fuerunt.'

[4] P. Q. W. 305; 'predicte concessiones per dominum regem nunc non sunt confirmate per quod competit accio domino regi ad omnes libertates revocandas que a corona sua sunt separate.' Ibid. 306.

[5] Stubbs, Const. Hist. ii. 110.

Nature of the regalties.

ranging from those of the palatine earl to those of the lord of some petty manor who could look for nothing higher than view of frank-pledge, waif and stray. The English courts never came to a classification of those franchises similar to that which obtained in France—*haute, moyenne et basse justice*, and the English lords who could have aspired to the title *seigneurs hauts justiciers* were not many. But still it would be easy for us to underrate the number and importance of the liberties of a high order. Without attempting an enumeration of them, we may draw some distinctions. In the first place we may mark off the class of immunities; the lord's men are exempted from doing suit at the hundred and county courts and the sheriff's tourn; they do not contribute to the sheriff's aid or to the fines imposed on the shire or the hundred; they do not pay toll. Then there are justiciary powers; frequently the lord has infangthief, more rarely utfangthief also;[1] sometimes he may hear in his court the *placita de vetito namii*, pleas of replevin, which pleas are reckoned as royal seemingly because they imply a breach of the peace;[2] a few lords hold all pleas of the crown and have their own coroners; thus within the banlieu of his Abbey the Abbot of Ramsey was a true *seigneur haut justicier*.[3] From these again we might distinguish cases in which the lord without doing the justice himself has a right to have it done by the royal officers for his profit and convenience; thus the Prior of Dunstable compels the king's justices in eyre to come and sit at Dunstable and sits there with them and hears himself called 'Sir Prior justice of our lord the king';[4] and so the judges have to go to Knaresborough for the convenience of the Earl of Cornwall,[5] to Beverley

[1] The importance attached to the privilege of hanging one's own thieves is well illustrated by a lively story about how the Abbot of Tewkesbury succeeded with infinite pains in hanging John Milksop; Ann. Tewk. 511.

[2] Bracton, 155 *b*. This form of action was regarded as new, invented since Henry II.'s time, P. Q. W. 232; invented in John's time, Y. B. 30 and 31 E. I. p. 222; its invention is ascribed to Glanvill by the Mirror, c. 2, sec. 26.

[3] P. Q. W. 305; Chron. Rams. 214.

[4] P. Q. W. 72; Ann. Dunstap. 54, 108, 130, 193; throughout these Annals much attention is given to this dearly prized privilege.

[5] P. Q. W. 212.

and to Ripon for that of the Archbishop of York,[1] to Clifton for that of the Abbot of Kirkstall,[2] to Tunbridge,[3] to Battle;[4] again, when the lord's men are amerced in the king's courts, the lord gets the money, when they are adjudged to death in the king's courts they hang on the seignorial gallows; and then the lord has 'the return of writs' and this keeps the sheriff out of his territory. In our eyes a less mischievous kind of franchise and one which probably did much towards helping forward the centralisation of justice consisted of the privilege of being impleaded in no court but the king's; this was possessed by the Templars and Hospitallers and by several prelates and made a great rent in the scheme of feudal justice.[5] Then a large number of the old hundred courts had passed into private hands, and the lord of the court thus acquired a jurisdiction over territory of which he was by no means necessarily the landlord. This process seems to have gone far even in the days before the Norman Conquest. Domesday shows us how seven of the twelve hundreds of Worcestershire were already beyond the sheriff's control, how the hundred of Oswaldslow belonged to the church of Worcester.[6] In later days the Abbot of St. Albans claimed a hundred by gift of Offa,[7] the Abbot of Ramsey claimed one by gift of Edgar;[8] the Abbot of Abingdon one by gift of the Confessor;[9] Edgar, it was said, had given eight hundreds to Peterborough,[10] the Confessor had given eight and a half to Bury St. Edmunds.[11] True that the charters which the abbots produced would seldom pass muster in the eyes of the modern diplomatist, and the ethics of monastic forgery are an obscure topic; still we seem bound to believe that a marked distinction was made in the scriptorium between forging in support of traditional truth and forging falsehoods.[12] On the great

[1] P. Q. W. 221.
[2] P. Q. W. 223.
[3] P. Q. W. 348.
[4] P. Q. W. 364.
[5] Instances in the printed Rot. Cart. are not uncommon; see in particular the Portsmouth charter at p. 77. See also Brunner, Entstehung der Schwurgerichte, 243. 409.
[6] D. B. i. 172, 172 *b*.
[7] P. Q. W. 288.
[8] R. H. i. 458.
[9] Chron. Abingdon. i. 465.
[10] P. Q. W. 551–3; Keilway's Rep. 143 *b*.
[11] R. H. ii. 143.
[12] Our modern charity for the

day at Pennenden Heath Lanfranc deraigned franchises and immunities far more extensive than those for which his successor Langton had to pay a heavy sum under Henry III.[1] For some of the largest and most notable liberties in England the lords relied on Anglo-Saxon charters or on prescription; the Bishop of Durham spoke of Egfrith,[2] the Archbishop of York received his gallows from Ethelstan,[3] prescribed to coin money[4] and could not or would not show anything beyond long seisin in support of many of the famous privileges of Ripon and Beverley.[5] Lastly (to return from this slight digression) there were the small royal casualties, treasure trove, waif, estray, wreck of the sea, kingly fishes, and the like; also there were fairs and markets, forest, chase, and warren.

II.

History of tourn and leet.

But to the student of manorial rolls by far the most interesting franchise is the 'court leet or view of frankpledge,' because it is very common, because it has great importance in the history of society, because its origin is extremely obscure: so obscure that we may be rash in speaking about it; still a little may be ventured.

Tourn and leet in their decadence.

In the sixteenth century the institution can no longer be described as flourishing; the growth of the commission of the peace has drawn away its life; still the leet is holden and does business. It is a royal police court coordinate with the sheriff's tourn; the leet is for 'the franchise' what the tourn is for 'the geldable'; in the one the lord's steward is judge, in the other the sheriff. In both the business is transacted by means of presentments and indictments preferred by a jury. A presentment

medieval forger has lately been reprehended by Dr. Brunner, Die Constantinische Schenkungsurkunde, 34.

[1] The Pennenden case is in Wilkins, Concil. i. 323, and Essays in A.-S. Law, 369; 'Rex Anglorum nullas consuetudines habet in omnibus terris Cantuariensis episcopi, nisi solummodo tres' etc. Compare with this Bracton's Note Book, pl. 277.

[2] P. Q. W. 187.

[3] P. Q. W. 197.

[4] P. Q. W. 198.

[5] P. Q. W. 221-3.

or indictment of felony the court cannot try, it must be sent on elsewhere; presentments of trespasses and nuisances can be disposed of by the court; such presentments are untraversable if they are made by a jury of at least twelve and do not touch any question of freehold; the presented person is amerced there and then. What offences are presentable in leet and tourn is a question about which there is learning; to some extent it turns on the words of the apocryphal statute *De Visu Franciplegii*, the statutory character of which is asserted and denied; this document contains a list of the *capitula* or articles which are to be inquired of by the jurors.[1]

The leet and frank-pledge.

It is still theoretical law that the jury ought to make presentment concerning all who are not in frank-pledge. But beyond this we do not see at first sight that the leet jury or tourn jury has any connexion with this obsolete institution. If however we look a little below the surface we see that, at least in some parts of the country, the jury is supposed to consist of the chief pledges (*capitales plegii*). A case[2] illustrating this occurred in Coke's day and was 'very obscure and doubtful,' for, sighs Coke, 'Tempora mutantur.'

Procedure in the tourn.

But, as we go backwards from this age, we begin to see an intimate connexion between these two institutions, the leet jury and frank-pledge. As regards names we have already remarked this; the term 'leet' disappears and is represented by 'view of frank-pledge'; indeed, to speak with extreme strictness the words 'leet' and 'tourn' were not even in Coke's day the most appropriate terms; the style of the leet was *curia visus franci plegii tenta apud B. coram A.B. senescallo*; that of the tourn was *curia visus franci*

[1] This 'statute' is printed in the Commissioners' edition, i. 246, among the Statutes of Uncertain Date, along with some other miscellaneous documents which were at one time regarded as statutes of the last year of Edw. II. This was due simply to their being found in MSS. inserted between the *Vetera Statuta* which end with Edw. II. and the *Nova Statuta* which begin with Edw. III., like the Apocrypha between the two Testaments. The statutory character of some of them is often questioned in the Year Books; e.g. the statutory character of the articles in question is denied by Fairfax in Y. B. Mich. 22 Edw. IV. pl. 2, f. 23. See the discussion as to the *Prerogativa Regis* in Y. B. Mich. 15 Edw. IV. pl. 17, f. 11.

[2] *Bullen's Case*, 6 Coke Rep. 77 *b*.

plegii domini regis apud B. coram vicecomite in turno suo, 'and not *turnum vicecomitis* for *turnum est nisi perambulatio*.'[1] In the thirteenth century to claim 'view of frank-pledge' is to claim all that was afterwards known as the jurisdiction of a leet.[2] But, to pass from names to facts, we have two descriptions of the sheriff's tourn as it was near the end of the thirteenth century; the one is given us by Fleta, the other by Britton: Bracton unfortunately fails us. Fleta gives the articles of the tourn or view of frank-pledge and then makes clear to us that the persons who have got to make answer to those articles in the first instance are the chief pledges, the *capitales plegii*. But their presentments are not final; they are as it were material for presentments to be made by a jury of twelve free men who can reject these preliminary presentments of the chief pledges or supply omissions in them.[3] Britton's account is substantially similar; the free landowners of the hundred are summoned and the first step is to cause twelve of them to swear that they will make presentment according to the articles. 'Afterwards the rest shall be sworn by dozens [i.e. by frank-pledges, the groups of ten or twelve[4]] and by townships, that they will make lawful presentment to the first twelve jurors [i.e. the freeholders] upon the articles. . . . When the townships [*les villeez*] have given in their verdicts to the first jurors, and they are certified of the truth, let the first jurors go and deliver up their presentment to the sheriff.'[5]

System of double presentment in the tourn.

It will be seen that here we have a system of double presentment. The final presentments are made by twelve freeholders, but the material is provided in the first instance by the tithings, or the chief pledges, or the townships.

[1] Co. 4th Inst. 260, 265.

[2] P. Q. W. 249.

[3] Fleta, f. 113.

[4] Britton writes *dozeine*, and the tithing may have been a tenth of the long hundred, and have thus consisted, not of ten, but of twelve men. But there is much evidence against this, e.g. Leg. Edw. Conf. 20, 'ita quod si *unus* ex *decem* forisfecerit, *novem* eum haberent ad rectum.' May not the word which Britton writes *dozeine* be formed from the Latin *decena*, or *decenna*, by the intermediation of such a form as *deciona*? I have seen *decionarius* for a tithing-man. In the Year Books both *dizeine* and *dozeine* occur.

[5] Britton, i. p. 177–182.

Elsewhere we have plenty of evidence of the fact that the tourn was attended by the freeholders of the hundred and also by a class of representatives. We are a little perplexed however as to the mode of representation. Sometimes it would seem that the *decennae* were represented by their chief pledges, sometimes that the townships were represented each by its reeve and four men; sometimes again it would seem as if both modes of representation prevailed concurrently. The task of an investigator in this obscure region is much hampered by the fact that in parts of England, the southern counties, the 'tithing' is a geographical district coincident with the township, while in others it is the group of ten or a dozen men; there is the land of the territorial tithing and the land of the personal tithing.[1] But it seems plain that whether the represented unit was tithing or township or both, the villagers, the peasantry, appeared in the tourn by their representatives, by the chief pledges or the reeve and four men.[2] According to strict legal theory perhaps they could all be compelled to come in person; but our evidence shows that really they came by their representatives, and so gives us one more warning as to the extreme caution with which we should read medieval statements about 'all men,' or all men of a great class. One of the questions to be asked in the tourn was whether all the chief pledges are come, which seems to imply that each frank-pledge is sufficiently represented by its head.[3] The duty of appearing seems to have been very generally com-

[1] See Palgrave, Commonwealth, ii. cxxi; Stubbs, Const. Hist. i. 86. In looking through the Hundred Rolls and Placita de Quo Warranto I have been much struck by the truth of the theory, that in the south of England the frank-pledge is territorial, in the midlands personal; and I am also inclined to subscribe the opinion that in the northernmost counties there was no frank-pledge at all; no lord claims to have view of frank-pledge.

[2] On purpose I use vague words such as 'villagers' and 'peasantry.' There is much to show that at least in the estimation of the greater folk the persons who were in frank-pledge and who were represented by the reeve and four men were properly described in the lump as *villani*, and in the Hundred Rolls, 'free man' and 'free holder' are constantly used as synonyms; but had it come to a *de nativo habendo* many of these *villani* might have proved that personally they were free.

[3] Statutum de Visu Franciplegii,

muted for a small money payment, head-money, *capitagium*, *chevagium*, a sum paid by the frank-pledges *ne vocentur per capita*.[1] In the Hundred Rolls and Placita de Quo Warranto we constantly read of such representation. There are many entries which show us the freeholders attending in person and the villagers by their representatives, and there is one which shows us the system of double presentment and so bears out the statements of Fleta and Britton:—the freeholders (*libere tenentes*) of Swavesey and four *homines* and the reeve go to the tourn and there the free men (*liberi*) shall swear and the four men and the reeve shall present defaults to the free men and the free men shall present them to the bailiffs.[2]

The tourn created by the Assize of Clarendon.

Now, with Britton's account before us, are we not compelled to see the origin of the sheriff's tourn in the Assize of Clarendon? This may be a new suggestion, but is it not true? Let us observe the words of the ordinance of 1166:—for the conservation of the peace and the doing of justice, the king ordains that in every county and in every hundred inquiry shall be made by twelve of the most lawful men of the hundred and by four of the most lawful men of every township concerning robbers, murderers and thieves and the receivers of such, and this inquiry the justices shall make before themselves and the sheriffs before themselves. The sheriffs, then, of the thirteenth century are doing just what they are bidden to do; they are making inquiry in each hundred by means of the oath of twelve hundredors

(Stat. of the Realm, i. 246); Britton, i. 181; Fleta, f. 112.

[1] 'Capitales plegii et eorum decene nichil dant ad capitagium; ideo vocandi sunt omnes per capita'; Roll of Manor of Houghton, Augment. Off. P. 34, No. 46, m. 4 d.

[2] R. H. ii. 469. Ib. i. 101, (Dorset), suit to the tourn by twelve liberi of the hundred and four men and the tithingman of every tithing; ib. i. 141 (Essex), by four villani and the reeve; ib. i. 154 (Essex), by the liberi homines and four homines and the reeve; ib. i. 100 (Salop), by all the liberi and by four homines and the reeve. In the southern counties it is often the decenna that does suit by four men and the tithingman. In P. Q. W. 254, we find at court the reeve, four men and chief pledges. Or again the communitas ville does suit by its tithingman, P. Q. W. 293. The lord is asked whether his chief pledges *or* four men and the reeve go to the tourn, P. Q. W. 10. Presentments in the tourn are made by the capitales decennarii, P. Q. W. 88. See a curious case of suit by three rudmanni, P. Q. W. 780.

and by means of the presentments of four men from every township. In accordance with the charter of 1217 they perambulate the hundreds but twice in the year, and it is no longer permissible for them to try those who are presented as felons, for no sheriff may hold pleas of the crown; but they still receive presentments made in the manner ordained by Henry II. It may be urged that they do much more than is prescribed by the Assize; if they receive presentments of robbery, murder, theft, they also (and this has perhaps become the most important part of their business) receive presentments about and finally adjudicate upon many minor offences, nuisances, purprestures, scuffles, and the like. But the same remark will apply to the justices in eyre; in Henry II.'s day they are to inquire of robbers, murderers, and thieves; by the end of Henry III.'s day the articles of the eyre have become very numerous and detailed. May we not infer that the articles of the tourn, like the articles of the eyre, have received addition from time to time at the hands of the king and his council, or at the hands of his delegates?

Articles of the tourn.

We have in easily accessible places five different sets of articles of the tourn or of the view of frank-pledge. A set for Wales is contained in the Statutum Walliae (1284), another set is given by Fleta[1] (circ. 1290), another by Britton[2] (circ. 1290), another in Horne's Mirror[3] (temp. Edw. I. or Edw. II.), and another in the apocryphal undated statute mentioned above. It is a curious fact that though these five documents agree in most points of substance, they are none the less five different documents; they give the articles in very different order, and it is difficult to thread them together by any theory of development.[4] Perhaps the sheriffs were allowed a free hand in settling the articles under the guidance of the general idea

[1] Fleta, f. 112.

[2] Britton, i. 177.

[3] Mirror, c. 1, § 17.

[4] In the later middle ages it was established that the leet could not receive a presentment of homicide; this seems due to an omission of homicide in the apocryphal 'statute,' an omission which I strongly suspect to have been accidental, for our four other authorities are clear the other way. In 1367 it was already understood that homicide was not presentable, Lib. Ass. f. 256, pl. 30.

that whatever was against the king's peace was presentable at the tourn. Be this as it may, the constitution and procedure of the court that the sheriff holds are the constitution and procedure of the court ordained by the Assize of 1166. And in this context it may be remarked that according to the verdict of a Lancashire jury the sheriff of their county never held a tourn until after Magna Carta was granted[1] and that there was no tourn in Northumberland even in Edward I.'s day.[2]

The Assize of Clarendon and the frank-pledge organisation.

Next we may notice how easy it was that the procedure instituted by the Assize should become implicated with the institution of frank-pledge. Already in the Leges Henrici Primi (cap. 8) we find the sheriff holding twice a year a specially full hundred court to see that all are in frank-pledge. We also find (cap. 7) that a lord may send the priest, reeve and four men to represent him in the county court and the hundred court in case neither he nor his steward can be present. In the days of Henry I., therefore, (for we may attribute these 'Leges' to his reign), the chief pledges must have attended the hundred court twice a year, and the reeve and four men may often have been there to represent their lord. As yet however there is no talk of any presentment of offences, of any communal accusation. Then upon this state of things is superimposed the procedure of the Assize, which requires the representation of the townships by their four best men. A certain confusion and interpenetration of the two representative systems would be a very natural result; the *decenna* is represented by its chief pledge, the township by its reeve and four men; but then in a great part of England the *decenna* is the township. So it will not surprise us that while according to Britton the presentments are made in the first instance by the townships (*les villeez*), Fleta says that they are made by the *capitales plegii*; the two accounts may represent local varieties of practice. In Wales there was no frank-pledge and in the Statutum Walliae which established

[1] P. Q. W. 371. [2] R. H. ii. 21.

the sheriff's tourn in the principality we find no representation of the peasantry; a jury of twelve freeholders is to be sworn to make presentments and then all the men of the commote are to be sworn to make presentments to these jurors. We may suspect that if in later days we hear nothing of a system of double presentment in the tourn, this is due to the decay of the frank-pledge.

The private leet an imitation of the tourn.

We turn from the sheriff's court to the private courts. Now when we take up a roll of the fourteenth or any later century belonging to a court which has the leet jurisdiction, it is common to find as the first entry under any date, the names of the jurors; commonly there are twelve names, sometimes more, sometimes fewer; on this follow the presentments of these jurors. The same is occasionally the case in rolls of the thirteenth century and often there is nothing on the face of the roll to connect these jurors with the institution of frank-pledge; sometimes however we find that they are the chief pledges; the *juratores* are *capitales plegii jurati*. This is well seen for instance in the Rolls of the City of Norwich which begin in 1288.[1] The city was divided into four leets; for each leet a jury appeared and made presentments, and it is clear that the jurors were the capital pledges of the *decennae*. Then, however, as we pursue our retrogressive course we come across many rolls which show no trace of a formally empanelled jury. Presentments dealing with police affairs, such affairs as belonged to the leets of later times, are made; but they are said to be made by the *capitales plegii*, or by a tithing, or by a tithingman; sometimes each tithingman comes separately, makes his presentments and offers to prove (*offert probare*) that he has nothing more to present.

The leet jurors and the chief pledges.

A strong light is thrown upon the situation by an argument repeatedly urged by the king's pleaders when pressing

[1] The rolls are in the possession of the Corporation of Norwich. The Rev. W. Hudson, who very kindly introduced me to them, who knows them thoroughly and will, I hope, see them into print for the Norfolk and Norwich Archæological Society, brought out this fact about the chief pledges in a paper read before the Society in 1887, with a report of which he has supplied me.

the inquiry *quo warranto* :—'You have no business to be receiving presentments in your court, because you have not got twelve complete tithings; you have not got twelve chief pledges and no one ought to be punished save on the oath of twelve men.' To take one instance :—in Bedfordshire the Master of the Templars confesses that in some of the vills in which he holds a view of frank-pledge he has but four *decennarii*, in others five, in others six at most. Gilbert of Thornton, the king's advocate, says that the Master's claim is bad 'since he has not enough chief pledges (*decennarii capitales*) to do judgment on any malefactor; for the custom of England is that everyone shall be judged on the oath of twelve; besides he has to make up his tithings by collecting them out of various vills and he has only two tenants in this vill, three or four in that.' [1] A similar argument is used in Edward III.'s day. We have this conversation :— *Judge*.—'How are presentments made in your leet?' *Counsel*.—'By the reeve and two men of the tithing (*del dosen*).' *Judge*.—'Divers things are presentable in a leet which bind the inheritance, as a purpresture on the highway or the like, to which a man shall have a traverse, and so presentment of these things by the reeve and two men is against law.' [2] The same judge however elsewhere admits that in some districts twelve *dosiners* present the articles of the view, in other districts but two or three according to the usage of the country.[3] Some learning collected round this point which we must not here explore, but even when the presentment was of felony the necessity for a jury of twelve seems to have been regarded as of statutory origin.[4] The Statute of 1285 required that indictments in the tourn or the court of a franchise shall be sworn by twelve at the least.[5] Probably this statute had a great deal to do with fixing for later times the form of 'the leet jury.' In 1367

[1] P. Q. W. 5; see also the other cases on pp. 5, 6, 7. A similar doctrine is propounded in Riley's Munimenta Gildhallae, i. 116, where Richard Heriet, a judge of John's reign, is made to say that no man may hold a court for a free stranger (outsider) with less than twelve free men.

[2] Keilway, Rep. 141.

[3] Ibid. 148.

[4] Y. B. Hil. 6 Hen. IV. pl. 4, f.

[5] Stat. West. II. c. 13.

presentments at the leet are still made by the chief pledges.[1]

Conjectural history of leet jury.

From the point of view that we have now attained some inferences seem possible. Whether the institution of frank-pledge belongs to the days before the Conquest or is the creature of Norman government we need not inquire; that it was in existence before the coronation of Henry II. there can be little or no doubt; but nowhere in our earliest accounts of it do we find that the frank-pledges have any duty to make presentments, nor unless we will put our trust in the well-known and oft-debated passage in the Laws of Ethelred about the twelve eldest thanes,[2] have we any evidence that a procedure by way of presentment, of communal accusation, was known to the English law. Henry II. introduced this procedure into the sheriff's court and thereby gave rise to the tourns of later days. The procedure involved a representation of townships which naturally and speedily became implicated with the system of frank-pledge, so that in some districts the *capitales plegii* became the primary presenters. Wholesale the feudal lords grasped at this new procedure; nor can the king or his officers have tried to resist them very seriously. On the whole it was for the good of the peace that there should be as much presenting of offenders as was possible. Every lord of any consideration without troubling himself about charters assumed the right to inquire of all the articles which the sheriff set before the jurors in his tourn; many of them had charters which in a more or less vague fashion exempted their manors from suit to the communal courts and from the incursions of royal officers. Imitate in all respects the procedure of the tourn they could not; their precincts were often too small; they could not impanel twelve freeholders; they had not got so many; seldom could there be any representation of townships; the system of double presentment was too elaborate for their small domains; but the machinery of frank-pledge they could employ, and they did

[1] Y. B. Mich. 41 Edw. III. f. 26, Mich. pl. 23.
[2] Ethelred, III. c. 1, § 3 (Schmid).

employ, some in this way, some in that; and the sheriff also was employing this machinery. The machinery was apt for the purpose; the duty of producing one's neighbour to answer accusations could well be converted into the duty of telling tales against him. Thus the lord made his court a court for the presentment of offences against the peace, in the language of later law 'a court leet.' Some of the smaller and lower lords could not obtain this jurisdiction; their overlords had got it and kept it to themselves; but very generally the lord of a manor possessed himself of a leet and the great Edward could not oust him of it. Statutes and *quo warranto* inquiries introduced a certain uniformity into the procedure; insisted that, at all events for grave cases, there must be a presenting jury of twelve. Thus it is that the leet jury of later days is developed; but even in later days the theory is not always forgotten that the jurors are the chief pledges. The lords turned the new procedure to their own profit; they employed it not merely for the presentment of offences against the general law of the realm but also for the presentment of breaches of manorial custom; when the two courts have fallen asunder there is a presenting jury in the court baron as well as in the court leet.

The leet jury no primitive institution.

This theory is put forward tentatively, for it differs in some respects from that sanctioned by the best historians, and it touches an important matter. If what is here said be true, then the last hope of proving that the jury of presentment is an English institution of very high antiquity is gone until some one shall find a stepping stone between the Assize of Clarendon and the Laws of Ethelred.[1]

The assize of beer.

A further insight into the proceedings of the lords may be given us by the fact that they had very generally assumed the right of enforcing the assize of beer. Almost

[1] Dr. Stubbs, Const. Hist. i. 618, says, 'The leet juries of the small local courts do not draw their origin from any legal enactment, and bear every mark of the utmost antiquity.' I cannot (reverently be it said) think them very ancient; they seem to me imitations of the jury of the tourn, which seems to me the creature of the Assize of Clarendon. Of course I do not dispute that the half-yearly meetings of the hundred court for the purpose of viewing the frankpledges were older than this.

every manorial roll is rich with amercements of those who have brewed against the assize, the offenders being usually women. An assize of bread and beer fixing the price of those commodities seems to have been published in 1256 and is commonly printed among the statutes.[1] This however was apparently an amended version of an older assize a copy of which appears in the Malmesbury Register and which we may attribute to John's reign.[2] It said that when wheat sold for 3 s. the quarter, barley for 20 d. or 2 s., and oats for 16 d. or 18 d., then brewers may well sell two gallons of beer for a penny, in boroughs three gallons, in country and market towns four gallons. The ordinance of 1256 made some change in this tariff. As to bread we need here say nothing; the lords did not as a rule assume that they were to execute the assize of bread, but beer they took under their care. They made profit thereby, for the assize seems to have been broken with as much regularity as the most orthodox of political economists could possibly demand. They often got into a scrape for taking amercements instead of inflicting corporal punishment. The law was that on a fourth conviction the baker should go to the pillory, the brewster to the tumbrel; but this was disregarded. We have seen that in the northern counties the lords claimed the jurisdiction over beer as theirs by common custom.

III.

The feudal or manorial jurisdiction.

We may now turn from those jurisdictional powers which were regarded as regalities to those which were regarded as feudal or manorial. Of course, it may well be true in a certain sense that all private jurisdiction was the outcome of royal grants; it may be true that if we follow up either of the two streams which united to make our law, the English or the Frankish, we come to a time when only by virtue of office or of specially granted royal privilege

[1] Statutes of the Realm, i. 199; Bracton's Note Book, i. 82.

[2] Regist. Malmesb. i. 134. The date seems fixed by the fact that the ordinance is settled by the bakers of Geoffrey Fitz Peter and Stephen of Turnham.

can a man have jurisdiction over other free men; but such an age is very remote. In the thirteenth century it is clear, and so it must have been for a long time past, that quite apart from all royalties and franchises there is jurisdiction in private hands.

Was it feudal or was it manorial?

Now here the question meets us, What was it that gave this power—what was it that gave a man a *libera curia*, a court of tenants? We have apparently to make our choice between two principles. It may be maintained on the one hand that this jurisdiction was manorial, that the lord's court could only exist in connexion with or as part of that complex of rights which was known as a manor, or on the other hand that the jurisdiction was feudal, that every man who had tenants enough to form a court was at liberty to hold a court of and for his tenants.

What was a manor?

These two principles will only come to one and the same thing if we allow ourselves to say that every set of tenants holding of one and the same lord constitutes a manor, no matter the local distribution of their tenements. But so lax a use of the term 'manor' is not permissible. We have indeed no right to force on the thirteenth century, still less on the twelfth or eleventh, what became in after times the correct legal definition of a manor—no right to insist that every 'manerium' comprised lands held by freehold tenants of the manor and lands held by customary or villan tenants. To all seeming the word *manerium* had as yet hardly become a technical term. The manor was not a unit in the governmental system; the county was such a unit, so was the hundred, so again was the vill, for the township had many police duties to perform, it was an amerciable, punishable unit; not so the manor, unless it coincided with the vill; thus there was no pressing need for a strict use of the term. It seems pretty certain that the *manerium* of the thirteenth century did not necessarily imply the existence of freehold tenants, and perhaps it may be possible to find instances of *maneria*, expressly so called, which had no customary tenants. But still it was not every aggregate of tenants holding of a single lord that

constituted a manor. A limit, though a vague limit, was set to the size of the manor. What as yet gave it its unity was rather economic practice than legal doctrine. It was an estate which could be and was administered as a single economic and agrarian whole. When men spoke of a manor, they thought primarily of the single group of tenants who worked in common at their ploughings and their reapings, of the single hall or manor house whose needs were supplied, whose garners and larders were filled, by the labours of this group. An estate too large or too scattered to be managed in this way would not, according to the common use of words, be a manor. Nor can we fail to perceive a close *de facto* connexion between the manor and the vill; in by far the greater number of cases the manor is either conterminous with or contained within the limit of the vill. We may add without much risk that the normal and typical manor had tenants who were not freeholders, had customary or villan tenants. Taking the term to imply this much, we may be able to discuss the question propounded above, without aspiring at present to trace the history of the legal definition of a manor.[1]

Subinfeudation and creation of manors.

Now in the thirteenth century the process of subinfeudation had been carried far. Let us take one instance:—at Paxton in Huntingdonshire Roger of St. German holds a messuage of Robert of Bedford, who holds of Richard of Ilchester, who holds of Alan of Chartres, who holds of William le Boteler, who holds of Gilbert Neville, who holds of Devorguil Balliol, who holds of the king of Scotland, who holds of the king of England.[2] The lord of a manor was often no tenant in chief of the crown, often he stood in the third, sometimes even in the fifth remove from

[1] What did the makers of the Domesday survey mean by *maneria* when they applied this word to the *Tempus Regis Edwardi*? That they had some clear notion as to the essence of a manor seems plain, for they are very careful to state whether land was held *pro uno manerio*, *pro tribus maneriis*, or the like. I am inclined to think that by a manor they meant a complex of land possessed or cultivated by a number of different persons, which nevertheless had been rated to the geld as a whole, its lord being liable to the king for the geld. Integral geldability rather than jurisdiction seems the test; but the question is too large and difficult to be argued here.

[2] R. H. ii. 673.

the king; for instance, at Comberton in Cambridgeshire the heirs of Gilbert of Cottenham have a manor; above them stand (1) John de Burdeleis, (2) Saer of St. Andrew, (3) the Earl of Winchester, (4) the Earl of Gloucester, (5) the king.[1] Sometimes of course we can say that the manor is a sub-manor holden of another manor; but when the rights of one of the very great lords were conceived as forming a single whole, that whole was called, not a manor, but sometimes a barony, sometimes an honour. It must have happened pretty frequently that a lord high in the feudal scale had many freehold tenants and yet had no demesne land in the same part of the country. The immediate lord of half-a-dozen manors gives five of them to five different persons by subinfeudation; the five feoffees will be his tenants, but they will not be tenants of the one manor which he has retained for himself. It will be seen, then, that one of our two principles is much wider than the other. The wide principle—which for brevity we may call the feudal, as contrasted with the manorial, principle—is this, that every lord with tenants enough to form a court may hold a court; *de commune ley chescun frank home deit aver court de ses tenantz.*[2]

The jurisdiction was feudal.

The theory which will here be suggested—diffidently enough—is that this feudal principle was the rule of law, but that it had to work under such and so many limitations, some of law and some of fact, that the actual result was not very different from that which would have been produced by the manorial principle; so much so that in course of time it became possible to regard a private court (when not created by real or supposed grant from the crown) as never existing save as a part of a manor.

Discussion of the theory that the jurisdiction was manorial.

One argument *a priori* may be allowed. It would be hard to find any rational explanation for the manorial principle. That principle amounts to this, that a man can never have jurisdiction over his freehold tenants unless along with this and as a part of the same complex of

[1] R. H. ii. 555.

[2] This is said by counsel, and not denied in Y. B. 17 Edw. II. f. 538. See also Keilway's Reports (temp. Edw. III.), p. 138; the common law gives a man court of his tenants; this is no franchise.

rights he has jurisdiction over customary or villan tenants. Now we can conceive that as a matter of fact the jurisdicdiction over freeholders was never found except in combination with the jurisdiction over baser tenants; feudalism may have grown up in such a way that this was true. But if we turn this statement of fact into a principle of law, the principle is one which provokes an importunate 'Why?' The other side of the common learning about the essence of a manor is a little more intelligible, though it has difficulties of its own. We have evidence from Edward I.'s day of a doctrine that freehold suitors were necessary not merely if the lord was to exercise a jurisdiction over litigation between freeholders, but also if he was to exercise some of the franchises. A prior in Yorkshire claims infangthief and gallows; the king's counsel objects that he has no freeholder save one, who is not a suitor, and that freehold suitors are necessary for the judgment of felons.[1] What jurisdiction a lord had who had no freeholders, whether freeholders were necessary to do judgment between customary tenants or whether the lord's steward was really their only judge, are questions which we reserve; but why cannot a jurisdiction over freeholders exist apart from a jurisdiction over tenants in villanage? We turn however from speculation to evidence.

Courts of honours and the manorial theory.

Express statements of the feudal principle are hard to come by; but it seems clearly implied in the Leges Henrici Primi. Every lord, we are told, may summon his man to stand to right in his court and the man can be compelled to come from the remotest manor of the honour of which he holds. The court, then, need not be the court of a manor, it may be the court of an honour.[2] The indubitable fact that there were courts known, not as courts of manors, but as courts of honours, is met in the later law books in

[1] P. Q. W. 204.

[2] Leg. Hen. Prim. 55, § 1. 'Omni domino licet submonire hominem suum, ut ei sit ad rectum in curia sua; et si residens est ad remotius manerium ejusdem honoris unde tenet, ibit ad placitum, si dominus suus submoneat eum. Si dominus ejus diversos feodos teneat, non cogitur per legem homo unius honoris in alium ire placitum, nisi de alterius causa sit, ad quem dominus submonuerit eum.'

accordance with the manorial principle by the statement that really the so-called court of an honour was nothing but an aggregate of manorial courts. 'An honour consists of many manors, yet all the courts of the manors are distinguished and have several copyholders. And although there is for all the manors but one court, yet are they quasi several and distinct courts; and so it was usually in the time of the abbeys, that they kept but one court for many manors.'[1] Whether or no this really was so in the thirteenth century we shall be better able to judge when we have studied the Abbot of Ramsey's court at Broughton; but the importance of the statement will be seen at once:—a lord's court is always a court for a manor; the court of an honour is but an aggregate of courts each of which is the court of a single manor. It will further be observed that the manorial principle even when it is qualified by the concession that the lord of several manors might combine his courts, might hold all his courts on the same day and at the same place, is still much narrower than the feudal principle. It will meet the case of one who is the immediate lord of half-a-dozen manors; but suppose him to give each manor to a different feoffee, it will not enable him to hold a court for these six freehold tenants of his; the court, if any, that he holds for them will not be the court of any one of those manors, nor will it be an aggregate made up of the courts of all those manors; there are now six manors, six manorial courts, six lords of manors; can there be an additional court held by the feoffor for his six feoffees?

Court above court.

Now most certainly the lord of a manor was often himself bound to do suit to the court of his lord. In some cases we can say that the manor which he holds is a submanor of another manor of which he is a tenant. Thus in 1279 we find Ellen de la Zouche holding the vill of

[1] This statement, on which modern historians have laid stress, comes from *Seagood v. Hone* (1632), Croke's Reports, temp. Car. I. 366–7. It is based on a passage in *Clifton v. Molyneux*, Coke's Reports, iv. 27*a*, which however merely says that divers abbots, priors etc. used to hold courts at one manor for divers several manors, and that this was good by custom.

Swavesey; she has demesne, freehold tenants and villani. Among her freehold tenants is John son of Henry Beneit. We must admit that he is the lord of a manor; he has demesne, freehold tenants and customary tenants; he owes suit to Ellen's court from three weeks to three weeks; but he holds his own court from three weeks to three weeks 'outside the court of the said Ellen.'[1] But in many cases the court to which the lord of a manor owes suit can hardly be called the court of a manor of which he holds. Thus in Oxfordshire there are a number of lords of manors who owe suit three weeks by three weeks to the court of the Earl of Cornwall at North Osney;[2] other lords owe suit to the same Earl's court of the honour of Wallingford;[3] other lords in the same county owe suit to the court of the honour of Coventry.[4] It is not very rare to find the lord of a manor owing suit to a court many miles away. Nor is it necessary that the lord who has a lord of a manor among his suitors should himself be a tenant in chief of the king: R. C. holds the manor of Draycott and does suit for it monthly to the court of the lady of Appleton, who however holds of the Earl of Cornwall.[5] At Fen Drayton in Cambridgeshire R. B. has an estate with a court to which his freehold tenants owe suit; he himself owes suit to the court of Ellen de la Zouche and also to the court of the honour of Britanny of which honour Ellen holds; here are three courts one above the other; what is more, a freehold tenant of R. B. has to do suit to them all, going perhaps to the higher courts as the representative of his lord and of his lord's lady.[6] The petition of the barons in the Oxford Parliament of 1258 assumes that not unfrequently the courts stand three deep; the *capitalis dominus feodi* has his court, but above him there is *superior capitalis dominus feodi ejusdem* with his court, and above him again is *alter superior dominus feodi illius*, who also has his court.[7]

[1] R. H. ii. 469.
[2] R. H. ii. 693, 694, 716, 717, 858.
[3] R. H. ii. 775–7.
[4] R. H. ii. 858–9.
[5] R. H. ii. 757.
[6] R. H. ii. 474.
[7] Art. 29. Printed in Stubbs, Select Charters.

Creation of subordinate courts.

That the creation of new courts by means of subinfeudation was a recognised practice appears from such an entry as the following:—The Abbot of Peterborough refuses to allow his freeholders to have court for their tenants outside his court, whereas this is sanctioned by law and custom throughout the realm.[1] The Prior of Dunstable got into difficulties with his burgesses at Dunstable about this matter; in 1247 he had to concede that his tenants in chief might hold courts for their immediate tenants.[2] Such an example is instructive; a burgess of Dunstable can hardly have had a large and distinguished body of freehold tenants, but the desire to have a court of his own sometimes possessed the shopkeeper or small merchant as it possessed the earl and the abbot.

How the abbots held court.

Further, we find that some of the great lords kept courts on this wise:—the lord in each of his manors had a court to which the freeholders of that manor, or some of them, owed suit; but further he had one central court to which all of his more important freeholders owed suit, sometimes in addition to the suit owed by them to the court of the manor in which their lands lay. Thus the Abbot of Ramsey kept a court at Broughton in Huntingdonshire for the greater of his freehold tenants. Suitors had to come to that court from Lincolnshire, Norfolk, Suffolk, Bedfordshire, Hertfordshire, and Northamptonshire. Thus a tenant at Shitlington in the south of Bedfordshire owed suit to the court at Broughton and to the court of the manor of Shitlington when plea touching freehold was to be held there or a thief was to be judged.[3] We find a quite similar arrangement on the lands of the Abbey of Gloucester; and here we have appropriate terms for the different courts; each manor has its *halimotum*, but the abbot has also his *libera curia* at Gloucester to which all his greater tenants owe suit, sometimes in addition to the

[1] R. H. ii. 14.

[2] Ann. Dunst. 173-4.

[3] Cart. Rams. i. 41-43, 286, 295, 296, 305, 413, 438, 440, 458, 475, and the extracts from the Broughton Rolls printed in this book.

suit due to the halimote.[1] It seems probable that the same was the case among the freehold tenants of Thorney Abbey; the greater, but not the smaller, no matter in what manor they are, owe suit to the abbot's court at Yaxley.[2] So the Abbot of St. Albans held a court for his freeholders under the great ash tree at St. Albans, and this court seems to have exercised a 'jurisdiction in error' over the halimotes of the several manors.[3] So Abbot Samson of St. Edmunds, though he had many manors, seems to have met all his military tenants in the court at St. Edmundsbury.[4]

Foreign analogies.

It may be worthy of note that similar arrangements were common in France. There is a strong, if superficial, resemblance between the Abbot of Ramsey's courts and those which he would have held had he been a French *seigneur*. In each of his villages he would then have kept a court for the affairs of the smaller folk; but over and above these he would have held a central court, an *assise* of his greater tenants, his knights and esquires, which would have entertained the more important matters and to which appeal would have been made from the village courts.[5] In Germany we find much the same thing: above the courts of his various manors or *Fronhöfe*, the lord at his chief manor (*Oberhof*) has a court of error; occasionally, if he is a very great lord, his courts stand three deep.[6] But at any rate no stretch of language will enable us to call the court at Broughton the court of a manor; it is the court of a great fief.

Later examples of honorial courts.

In 1340 we still find a tenant at Beighton in Derbyshire who owes suit from three weeks to three weeks to the court of the honour of Tickhill: the manor of Tickhill is in Yorkshire, but 'the honour of the manor' extends into three counties, those of York, Derby, and Nottingham.[7]

[1] Cart. Glouc. i. 248, 303; ii. 84, 208; iii. 77, 133, 150, 180, 187.

[2] R. H. ii. 643–5–6–8.

[3] Court Rolls of Winslow, Univ. Library, Cambridge; see also Mat. Par. Chron. Maj. vi. 438.

[4] Chron. Jocel. Brakelond, pp. 20, 48–9.

[5] See Tanon, Histoire des Justices des Anciennes Églises de Paris, cap. 6.

[6] G. L. v. Maurer, Fronhöfe, iv. 228–243.

[7] Y. B. (ed. Pike) 14 Edw. III. p. 88.

To come to yet more recent times, when Roger North took to 'court keeping' in order to learn law and was appointed temporal steward of the Archbishop of Canterbury, he found that the Palace Court of Canterbury had 'jurisdiction in all personal actions of any value arising within the liberty, that is, in any of the towns [i.e. townships] whereof the church of Canterbury had the seignioralty, which is a large circuit in the county of Kent; for although there were no demesnes, yet the services and other incidents of dominion in old time were considerable.'[1]

Non-manorial courts uncommon.

Further investigation would probably produce other examples of feudal courts which were not courts of manors, or which were much more than courts of manors. Still, the ultimate triumph of the manorial principle as a rule of law, and the fact that some research is necessary to discover such courts, will make us suspect that they never were very common. In particular it would seem as if the lord of a great honour scattered about in divers counties had seldom attempted to hold a single court for all his great freehold tenants; his honour had different courts in different counties. The words of the Leges Henrici would have empowered the Count of Mortain to summon his Cornish tenants to a court in Yorkshire. We do not hear of this being done, and an earl or prelate would hardly have got knights to serve him had it been supposed that he would do anything of the kind. But the singularly well attested case of the Abbot of Ramsey's court seems to show that there was no rule of law preventing the formation of a court with suitors drawn from seven counties.

Rules as to suit of court.

Our estimate of the evidence may perhaps be affected by the opinion that we form on another question, important in itself, namely, whether a feoffor who desired that his feoffee should do suit to his court had to expressly stipulate for such suit on the occasion of the feoffment. About this question we have some interesting though perplexing information. In the middle of the thirteenth century it was the subject of warm controversy.

[1] Autobiography of Roger North, p. 110.

Bracton's doctrine.

Bracton's doctrine is that in the absence of special stipulation the tenant is bound to attend his lord's court for what are considered matters of royal concern, but only for those; he is bound to attend when a writ of right is to be tried, when a thief is to be judged, or when there is any business which touches the king's peace. In such cases the service which the tenant has to do is in truth service due to the king for the advancement of justice. It is not even competent for the lord and tenant to contract that such service shall not be done, though it is competent for the lord to agree that the tenant shall be indemnified for it; the burden of such service is thus placed on the same footing as the burden of scutage. But if the lord wants more suit than this, if e.g. he wishes that his tenant should do suit from three weeks to three weeks, he must expressly bargain for it.[1]

This doctrine is supported by a case from 1231. S. charges W. with exacting suit of court in contradiction to a charter whereby J., father of W., had enfeoffed S. to hold freely at a rent 'pro omni servicio.' W. denies that he has exacted any periodic suit of court; he has only demanded that reasonable suit of court which everyone is bound to do, namely to afforce the court when the king's writ comes there and when a thief is to be tried. This plea is treated as a sufficient answer, and W. is allowed to prove its truth by making his law: the only suit that he has demanded is *racionabilis secta*, and therefore the demand is not contrary to the charter of feoffment.[2] In another case we find the Abbot of Beaulieu demanding from L. suit of court from fortnight to fortnight, while from B. he demands suit merely when the king's writ comes or when a thief is to be tried.[3] As will be shown below, there is plenty of evidence that the suitors fell into two main classes, those who were bound to attend the periodic sittings of the court and those who either were only bound to come when there was royal business to be transacted or

[1] Bracton, f. 35, 35 b, 37. [2] Bracton's Note Book, pl. 531.
[3] Ibid. pl. 655.

in addition to this had to come twice a year to the two plenary sessions. Before 1234 the courts seem to have been commonly held at fortnightly intervals: an ordinance of that year provided that they should be held but once in three weeks.[1]

William of York's doctrine.

But apparently the law was in an unsettled state. William of York became bishop of Salisbury in 1247 and died in 1256. For some years before his consecration he held a foremost place among the royal judges. Chronicling his death, Matthew Paris says that certain conduct of his had heaped innumerable maledictions on his head.[2] On a later page we learn something as to what this conduct was —he had established as law a certain evil custom, to wit, that every tenant, no matter how small his tenement, should do suit to his lord's court. Men who have never done suit now to their surprise find themselves bound to do it. This, says Paris, brings great harm and loss on the tenants, and little or no profit to the lords. He proceeds to hint that the bishop is now expiating this oppressive innovation in another world.[3] Whether William of York had gone beyond Bracton's doctrine or no we cannot decide for certain; seemingly he had, but the maledictions which he earned bore fruit in the revolutionary period which followed on his death. Suit of court is the very first matter dealt with by the Provisions of Westminster, which in 1259 were obtained from the baronial council by the knights, the subvassals. It is ordained that a person enfeoffed by charter shall not be distrained to do suit at his lord's court unless either the suit be expressly bargained for in the charter, or the suit was done at the time of the king's first journey into Britanny now twenty-nine years ago. No one, again, enfeoffed without charter need do suit unless it was done before the date just mentioned.[4] When the Barons' War was over this provision found a place in the Statute of Marl-

[1] Ann. Dunstap. 139, 140.

[2] Mat. Par. Chron. Maj. (Rolls Ser.), v. 534.

[3] Ibid. 545.

[4] Prov. West. in Stubbs, Select Charters; see also Stubbs, Const. Hist ii. 81.

borough of 1267,[1] and became a permanent part of English law:—no freeholder is bound to suit at his lord's court unless this is imposed on him by the terms of his charter or was done before King Henry went to Britanny in the year 1230.

Practice of stipulating for suit of court.

That during the thirteenth century it was common to expressly stipulate for suit of court is plain. A number of instances may be taken from charters granted by the Abbey of Gloucester:—the feoffee shall do suit at our court of A;[2] he shall do suit at our court of A like his neighbours;[3] he shall do suit twice a year at the court of our Priory of B with our free men;[4] he shall do suit at our court of B whenever it shall be holden;[5] he and his heirs shall do suit at our court of Gloucester as well as at our court of Churcham;[6] he shall do suit at our court of B twice a year and whenever our cellarer shall summon him to afforce the court for any difficult business;[7] 'saving to us suit to our court of B twice a year, namely at Michaelmas and Hoketide.'[8] Again, W. owes suit to our free court (*libera curia*) at Gloucester, during half the year whenever it shall be holden, and during the other half only to afforce it should the king's writ come there, and then only upon reasonable summons.[9] Again in the extents of the Gloucester manors we constantly find entries which show that this obligation had been made the subject of bargain:—he owes suit to every court at Gloucester and twice in the year to the halimote of Barton; to every court of Northleach, and to every court of Gloucester; to our free court at Gloucester and the halimote of Churcham, and so forth.[10] That this was no local peculiarity we may see from other cartularies; for example,[11] a tenant of the Abbot of Ramsey at Shitlington in Bedfordshire owes suit both to the court of the Abbot's honour held at Broughton in Huntingdonshire and to the court of the

[1] Stat. 52 Hen. III. c. 9.
[2] Cart. Glouc. i. 160.
[3] Ibid. 165.
[4] Ibid. 221.
[5] Ibid. 222.
[6] Ibid. 248.
[7] Ibid. 303.
[8] Ibid. ii. 251.
[9] Ibid. ii. 208.
[10] Ibid. iii. 55, 77, 133, 150, 180.
[11] Cart. Rams. i. 460.

manor of Shitlington whenever plea touching free men is moved in it or thieves are to be tried. Many instances may be found in the Hundred Rolls; thus at Offord Cluny in Huntingdonshire there are 29 tenants bound to do suit twice a year, and also to do suit from three weeks to three weeks when the king's writ comes, while another set of 51 tenants are only bound to come twice a year.[1]

Remoter history of suit of court.

But what, we may ask, as to remoter times, what as to the twelfth century? The evidence that comes before us is in the main the ambiguous evidence of silence. The extant charters and fines enable us to say with some certainty that when a new freehold tenure was created the lord very seldom stipulated in writing for suit of court.[2] Two inferences may present themselves as plausible: namely, that an express bargain was deemed needless, or else that the subinfeudators could not or did not care to secure the suit of new freehold tenants. We can hardly doubt however that the former is the sounder inference. In the thirteenth century when already much has been done to deprive the feudal courts of their value, the great lords, at least the great religious houses, still care a good deal about suit of court, they stipulate for it and enforce it rigorously even where in popular estimation it is not due. We cannot easily suppose that their predecessors had been less anxious about having courts of their own in days when feudal justice was still a formidable rival of royal justice.

Summary to suit of court.

Here once more we have, as it seems, to look back upon a time of uncertainty and conflict, of vague understandings and misunderstandings. Suit of court, like the other feudal burdens, relief, wardship, marriage, the obligation to find men at arms, emerges out of tacit compacts which the contracting parties would construe each in his own way; general rule of law there has been none. It has perhaps been commonly assumed that a feoffee will owe suit of court, but only the most provident of landlords have been careful to define the amount. It has been very doubtful

[1] R. H. ii. 683–4.

[2] An instance is found in Cart. Rams. i. 151, dated by the editors between 1133 and 1160.

how far the king's courts will be at pains to enforce an obligation which does not concern the king. The creation of numerous small freeholds at last forces on a crisis; many of the tenants have been enfeoffed without charter;[1] William of York holds one opinion, Bracton holds another; the matter is at length settled after revolution and civil war. But, to return to our starting-point, this controversy about suit of court favours rather the feudal than the manorial principle; the obligation to attend the lord's court, if in the absence of special stipulation there be any such obligation at all, is treated as the result of tenure and the manorial organisation is not brought into the discussion.

IV.

Checks on the operation of the feudal principle

Anyone however who maintains that the feudal principle was the legal rule is almost bound to offer some explanation of the fact that we hear little of any feudal courts that are not manorial. Such an explanation might, it is thought, be given. Part of it would have to deal with the days before the Conquest and part of it with the Conquest and the consequent distribution of lands. It is however generally admitted that the state of affairs disclosed by Domesday Book was not favourable to the formation of great patrimonial jurisdictions. The tenant in chief often had an estate which was scattered about England in comparatively small parcels. One illustration, perhaps new, may be given of this; it is taken from the townships round Cambridge:—in Trumpington there were five tenancies in chief, in Granchester six, in Barton three, in Comberton two and royal demesne, in Haslingfield three and royal demesne, in Harston three, in Barrington five; in this part of the country it was rare for a whole village to be subject to one lord. The estates of the Abbot of Bec, whose court rolls we are going to use, afford an example of a property acquired after the Conquest in little pieces; hardly anywhere had the abbot two contiguous manors.

[1] R. H. ii. 683

Thus the feudal principle got no fair chance of showing the best or the worst that was in it. For all this however the process of subinfeudation would probably have issued in the creation of many great feudal courts, courts formed on the model of the Abbot of Ramsey's court at Broughton, had the jurisdiction over freeholders been very valuable. It remains therefore for us to see that it was not very valuable, and thus we are led to discuss the powers of a 'court baron.'

The feudal court and the king's court.

Now, however narrowly confined was its jurisdiction in the days of Edward I., we can trace the process by which the various limits had been set, and when we have removed those limits of which we know the history, the feudal court of the Norman reigns begins to appear as a very powerful court, powerful at least on paper. It is not a court which can entertain just a few definite pleas; rather it can entertain all pleas *exceptis excipiendis*—all pleas save those which the king has taken to himself. And then, again, the king's court appears as having in theory a limited jurisdiction; it can entertain pleas touching the tenants in chief, complaints of default of justice in lower courts, the reserved pleas of the crown; but it does not hold itself open as a court of first instance for all England. In course of time exception becomes rule, and rule exception; but we can see this process at work.

Growth of the specially royal jurisdiction.

Pleas of the crown.

(i.) In Henry I.'s time, the pleas of the crown can be enumerated in a miscellaneous and disorderly list; but as yet we find no such general idea as that all crimes or all grave crimes belong to the king.[1] The extension and consolidation of the king's peace,[2] the introduction of the new and peculiarly royal procedure by way of indictment[3] had much simplified matters before Glanvill wrote. Crime in general had come within the royal cognisance; it had become the exception to a general principle that the lords

[1] Leg. Hen. Prim. 10.

[2] F. Pollock, The King's Peace, in Law Quarterly Review, i. 37.

[3] Ass. Clarend. c. 5: 'et de illis qui capti fuerint per praedictum sacramentum hujus assisae, nullus habeat curiam vel justitiam nec catalla nisi dominus rex in curia sua.'

could deal with scuffles and blows and wounds. Even these little matters could be turned into pleas of the crown by the mere use of four words—'in pace domini regis.'[1]

Possessory assizes.

(ii.) Perhaps the greatest event in the history of English law is that Henry II. cast his protection over possession, made the disturbance of seisin a cause for complaint to the king himself. Theoretically there was no interference with questions of property; practically the court which offers a *possessorium* will soon draw to itself all disputes about proprietary rights.[2] When, in or about 1166, Henry issued the Assize of Novel Disseisin, he took a step of decisive importance.[3]

Requirement of writ of right.

(iii.) To all seeming he did more than this. In Glanvill's book we find the rule that no man need answer for his freehold without royal writ.[4] A writ of right, *breve de recto tenendo*, has become necessary when there is to be a proprietary claim in the lord's court; such a writ contains a threat that if the lord will not do right, the sheriff shall do it; the lord is thus made to look like a mere officer and delegate of the king. We cannot find that such a writ was necessary in Normandy or that it was necessary in England before Henry's day, though occasionally such a writ was obtained in order to put pressure on a dilatory lord.[5] Brunner has well said that a rule of this sort is not developed out of customary law; we can hardly fail to hold with him that the rule in question has its origin in an ordinance, and an ordinance of Henry II.[6] May we not suspect that it was part of the Assize of Novel Disseisin? The two principles are closely connected:—no one is to be disseised

[1] Glanv. I. 1, 2.

[2] M. Paul Viollet, Précis de l'Histoire du Droit Français, p. 492, has remarked how in France the temporal courts by offering a 'possessoire' managed to deprive the ecclesiastical courts of business. A possessory action, he says, deals only with the external side of a question of right: 'or l'extériorité d'une question de droit, c'est bien souvent son côté pratique.'

[3] At present the date seems fixed by the newly printed Pipe Roll of 12 Henry II.; see e.g. p. 65, 'T. debet 20 sol. pro dissaisina super assisam Regis.'

[4] Glanv. xii. 2 and 25.

[5] Bigelow, Placita Anglo-Normannica, *passim*.

[6] Entstehung der Schwurgerichte, 411: 'Neuerungen dieser Art pflegen sich nicht auf gewohnheitsrechtlichem Wege zu bilden.'

of his free tenement unjustly and without a judgment:—no one need answer for his free tenement without the king's writ:—the king undertakes to protect seisin of freehold not only against illegal force but also against irresponsible justice. In a writ of 1207 which John sent to the people of Ireland he coupled the two principles:—we will that no one shall disseise you of your free tenements unjustly and without a judgment, and that you shall not be impleaded for your free tenements without our writ or that of our justiciar;[1] may we not guess that he was quoting from his father's Assize?

The grand assize.

(iv.) The Grand Assize of Henry II. made yet another inroad on the feudal jurisdictions. In the proprietary action the tenant can always get the case removed into the royal court by claiming the privilege of that new mode of trial which only the king can give him.

The writs of entry.

(v.) Not content with this, the king simply ignores the lord's court and will when he pleases[2] issue a simple *praecipe quod reddat* even though the land be holden of a mesne lord. But this is regarded as an abuse and is forbidden by the Great Charter,[3] a document in which retrogressive are mingled with progressive tendencies. But the prohibition is useless. Already under cover of a convenient uncertainty as to the exact limit between possessory and petitory claims, the chancery has been devising a large group of writs of entry, which take the dispute to the royal court on the pretext that the flaw in the tenant's title is recent.[4] A provision in the Statute of Marlborough (1267) which looks obscure enough nowadays removes the limits by which these writs have hitherto been fenced in and practically reverses the policy of the Charter.[5] It seems a little, technical improvement; but really it is a great landmark; it means this, that men no longer see any

[1] Rot. Pat. 76.
[2] Glanv. lib. i. c. 5.
[3] Charter of 1215, c. 34.
[4] Rot. Cl. i. 32. Just at this time the Canon Law, like our English Law, was hesitating as to how far it would extend the possessorium; Bruns, Recht des Besitzes, p. 177.
[5] Stat. Marlb. c. 29, which gives 'the writ of entry sur disseisin in the post.'

objection to the king's court making itself an omnicompetent court of first instance; feudal justice in any very serious sense is a thing of the past.

Replevin actions.

(vi.) The king has instituted and has preserved very carefully for his court and his sheriffs the form of action, which under the name of replevin has a great history before it: here again we may perhaps see the notion that whatever may be the case with ownership, possession is a matter for royal protection.[1]

Actions of trespass.

(vii.) The idea of the king's peace has not done all its work when it has placed all criminal justice in the king's hand and all that we can call police jurisdiction in his hands or the hands of those who theoretically are his delegates; it yet has to give to the world the action of trespass. This action seems to come into common use somewhat suddenly towards the end of Henry III.'s reign; possibly some ordinance not now known to us brought it into fashion and thus gave us a form of action fertile with new subordinate forms.[2]

Pecuniary limit to the competence of local courts.

(viii.) The Statute of Gloucester (1278) or the interpretation set upon one of its clauses condemned the court baron to become in course of time a petty court.[3] The clause in question seems on its face to have quite another object: it says that none is to have a writ of trespass in the king's courts unless he will affirm that the goods taken away were worth forty shillings at the least. This seems to have been construed to imply a very different rule, namely that no action for more than forty shillings shall be brought in a local court. The judges at Westminster have not escaped the charge of perverting the statute to their own profit; but we learn from Britton (circ. 1290)

[1] See above, p. xxv. Britton, i. 136, says plainly that the refusal to deliver a distress when pledge is offered is an article of the king's peace; 'le vé est un article de nostre pes enfreynte.' The line which divided this placitum regale from a mere action for goods taken away was rather delicate. See the Earl of Warenne's case, P. Q. W. p. 751.

[2] There are a few actions of trespass in Bracton's Note Book; Bracton knew the action, and perhaps meant to treat of it; see f. 161, 413. For the frequent use made of it late in Henry's reign, see Plac. Abbrev. 160 foll.

[3] Stat. 6 Edw. I. c. 8.

that this rule, so damaging to the local tribunals, was law already in his day,[1] and we are hardly entitled to say that the judges misunderstood or perverted the intention of the lawgivers though they found in the clause more than we can see there; very possibly they themselves had penned that clause.[2]

Success of king's justice well deserved.

The success of the king's justice in its competition with feudal justice was well deserved. The royal court offered a better and stronger commodity than was to be had elsewhere; in particular it offered trial by jury as a substitute for the ancient modes of proof. It is true that the lords so far as they could imitated the royal procedure, they granted to litigants, they sold, the right to an inquest of neighbours. But their power was limited. They could force their villans to swear; but could they force their freeholders to swear? That they took upon themselves to do this seems clear. But here again, as in many other instances, their efforts were opposed both by the king and by their tenants. As one of the Provisions of 1259, afterwards confirmed by the Statute of Marlborough, it is conceded to the lower freeholders that no lord may coerce his freeholders into swearing against their will, for none may do this without the king's command.[3] This prevented the lord from impanelling a jury to try the freeholder's cases, unless jurymen would come of their own free will.

Law of distress for rent service.

(ix.) Every change in the law which made it easier for a lord to enforce his proprietary rights against his freehold tenants must have made a court of freeholders of less value to him. In past time one of the main uses of such a court must have been that it enabled the lord to exact his dues; he could bring the pressure of law to bear upon his tenants in a tribunal of which he himself was the president. Now it should here be noted as probable that the lord of freehold tenants must at one time have needed the

[1] Britton, i. 155; Fleta, 133. I have not been able to find any evidence that the rule was older than the Statute of Gloucester.

[2] 'Do not gloss the statute; we understand it better than you do, for we made it': per Hengham, Y. B. 33-5 Ed. I. p. 82.

[3] Prov. Westm. c. 18; Stat. Marlb. c. 22.

aid of a court before he could distrain those tenants for rent or other services in arrear. There is a good deal of evidence that for a long while after the Conquest the lord could not distrain until he had first obtained either the judgment of a court or a writ from the king. To obtain a judgment in his own court would be no very difficult affair; having a court of his own, he was saved the risk of going to another tribunal of whose care for his interests he could not be so certain. But a change in the law of distress, which we can now but dimly see, altered all this; he needed no court to enable him to distrain.[1]

No appeal from lord to overlord.

(x.) Lastly, it was established, and this was of great importance, that a lord could not make his court a court of error or of appeal; with what went on in the courts of his tenants he was to have no concern. We can see however that the point was hotly contested; the greater lords wished for a jurisdiction of second instance over the vassals of their vassals. But the cause of the lower freeholders was the cause of the king also. The writ of right tells the lord to do right in his court, and threatens that if he will not do it, the king's sheriff shall. Bracton argues from these words that if the court of the immediate lord makes default, there can be no recourse to the courts of superior lords, the case must be removed by royal writ into the county court. But this he states diffidently as a probable opinion.[2] Evidently there was a struggle between the higher and the lower feudatories. In the famous petition of the Oxford Parliament of 1258 this point is raised. In some counties the usage is to allow the superior lords to entertain cases when the courts of lower lords have made

[1] As to distress, see Bigelow, Hist. Procedure, p. 202–8. Even Bracton, f. 157 b, seems to treat it as usual though not necessary that the lord should obtain a judgment in his court before distraining his tenant for services in arrear. See Bracton's Note Book, pl. 2, 78, 202, 270, 348, 370, 477, 1207. The power of distraining a tenant for services in arrear is of course to be distinguished from the power of distraining a tenant to appear in court and answer touching services in arrear. Until the writ of *cessavit per biennium* was granted by statute (Westm. II. c. 21) in the days of Edward I., there was apparently no action in the royal court whereby a lord could eject a freehold tenant who did not perform his services.

[2] Bracton. f. 329 b, § 2.

default; this is manifestly against justice, as appears from the wording of the writ of right.[1] The Provisions of 1259 deal with a similar point; no one but the king may hold plea of false judgment, for a plea of this kind specially pertains to the king's dignity.[2] In 1267 this was confirmed by the Statute of Marlborough.[3] A concession to the lower freeholders takes the form of an assertion of royal prerogative.

We may regard this as a turning-point in the history of the feudal courts. If the great baron had been able to make his court a court not merely for his immediate tenants but also a court with a supervisory jurisdiction over their courts, it would have been worth his while to keep his court alive; it might have become the fountain of justice for a large district. But a court merely for the suits of his great freehold tenants, some dozen or half-dozen knights, was hardly worth having and became less worth having as time went on.

We may notice that even Bracton, a royal judge, though he holds that all temporal justice is in some sort derived from the king, has not attained the point of view from which it seems natural that every injury should be redressed in the king's own courts. He gives reasons why this and the other action should be heard there—all disputes about advowsons, for example, must come there, *because* none but the king can force the bishop to say whether the church be empty; actions by a widow who has got no part of her dower must come there, *because* perchance the marriage may be denied, and none but the king can compel the bishop to say whether marriage there was; actions to try the question of free or villan status must come there, *because*—well, Bracton does not know exactly why this is, but perhaps it is in favour of liberty.[4] A few years of civil strife followed by a few years of Edward's government make a wonderful change. Men are no longer clamouring about the multitude of new

[1] Petition of the Barons, c. 29, in the Select Charters.
[2] Prov. West. c. 16. [3] Stat. Marlb. c. 19. [4] Bracton, f. 105-6.

writs; parliament has to urge the chancery not to be too pedantic, but to grant new writs when new cases fall under old principles; the king's courts have triumphed all along the line, but triumphed by becoming the courts of a king who habitually legislates with the consent of a parliament.

Summary history of feudal justice.

Looking back once more to the Norman time, and thinking away the restrictions which have gradually narrowed the sphere of seignorial justice, the feudal court stands out as a tribunal with large, vague powers. In vain we look for any strict theory, in vain we ask how much was the outcome of the mere fact of lordship, how much the outcome of grants of *sak* and *sok*. Without daring to set limits to the knowable, it yet seems likely that there was little clear law about these things. It is likely that extreme theories were advanced on either side honestly and plausibly, the king contending that private jurisdictions of all sorts and kinds were regalia, the lords that a lordship over tenants implied a court for those tenants competent for all cases save a few specially royal pleas. Between king and barons there was no impartial judge, and therefore in our sense but very little law.

Jurisdiction over villans and villan tenements.

In course of time a feudal court becomes unimportant except in so far as it is a manorial court, a jurisdiction over freeholders is a mere adjunct to the jurisdiction over villans and customary tenants. But this latter jurisdiction is of the utmost importance, it is the very lifeblood of the agrarian and economic system. And, let the lawyers say what they will, it is a true jurisdiction, an administration of the custom of the manor; it is no mere exhibition of the will of a lord who is owner of the villan tenements and owner of the villans:—no decent lord treats it as such.

V.

Coke's doctrine of the manorial courts.

A few words as to this most difficult subject, the jurisdiction over unfree tenants. We will start by transcribing the classical passage in which Coke lays down the law for future times:—

And it is to be understood that this court [i.e. the court of a manor] is of two natures. The first is by the common law, and is called a court baron, as some have said, for that it is the freeholders or freemans court (for barons in one sense signifie freemen),[1] and of that court the freeholders being suitors be judges, and this may be kept from three weekes to three weekes. The second is a customary court, and that doth concerne copiholders, and therein the lord or his steward is the judge. Now as there can be no court baron without freeholders, so there cannot be this kind of customary court without copiholders or customary holders. And as there may be a court baron of freeholders only without copiholders, and then is the steward the register, so there may be a customary court of copiholders onely without freeholders, and then is the lord or his steward the judge. And when the court baron is of this double nature, the court roll containeth as well matters appertaining to the customary court, as to the court baron. (Co. Lit. 58 a.)

The theory of the two freeholders.

Along with this we must take the well-known statement consecrated by Coke that without a court of freehold tenants there is no 'manor.' If at any time there cease to be two freeholders owing suit, the manor perishes, though the lord's rights over his copyholders remain what they were and he can hold a customary court for them.[2]

The theory of Broke.

This doctrine can be traced back into Broke's Abridgement. We find the following passages:—

In the same year [i.e. 33 Hen. VIII.] it was said for law that if there be a manor and all the freeholds save one escheat to the lord, or he purchases all save one, his manor is then extinct, for there can be no manor without a court baron, and a court baron can only be held before two suitors, and not before one suitor, therefore one freehold only cannot make a manor. (Bro. Abr. *Comprise*, 31.)

In 23 Hen. VIII. it was said that a lord of a manor cannot hold a court or do justice[3] without two suitors, and if they cease to exist or there is but one suitor, the manor is determined, for there is no manor without suitors. (Bro. Abr. *Court Baron*, 22.)

See Register tit. *Accioun remove extra curiam baronis* [i.e. Reg. Brev. f. 11 b], because there were only four suitors; but

[1] No, it is *curia baronis* not *curia baronum*; see above, pp. xvi.–xx.

[2] Co. 4 Rep. 26 b; 6 Rep. 64 a.

[3] Note that Broke does not say that he can still do justice on or between copyholders.

quaere as to this, for it seems that the plural number, to wit two, is sufficient. And so it was said for law in the Star Chamber in the time of Hen. VIII. [in a case] between Browne, justice, and Lion, grocer of London. (Bro. *Suite*, 17.)

The guess is permissible that these three extracts refer to one and the same case, to some decision of the Star Chamber in the 23rd or 33rd year of Henry VIII. of which Broke had a note.

A quorum of judges.

Now as regards one part of this doctrine we have little difficulty:—it is a natural thing that some minimum number of judges should be requisite to form a court in which the suitors are the judges. We may be surprised at finding that so small a number as two will suffice; older statements seem to point to four [1] or even to twelve; [2] but in Henry VIII.'s day when the importance of such courts had become very small and the steward probably did in practice all such judging as had to be done, two suitors might seem a sufficient quorum:—*Tres faciunt collegium.* It would seem also that in some of the German manorial courts two suitors were enough,[3] though seven were generally required.

Why must there be freeholders on a manor?

Our difficulties begin only when we attempt to understand the meaning of the dogma that without freeholders and a court for freeholders there is no manor. There seem to be two alternatives open to us—namely, either to say that the freeholders were required as judges for the customary tenants, or to say that the dogma was a barely verbal proposition, no rule of law but a mere definition or partial definition of the term 'manor.'

The received answer.

The latter alternative is that taken by Coke and his successors. The presence of freeholders is not necessary in order to give the lord a jurisdiction over copyholders; the freeholders are not to judge the copyholders, the copyholders'

[1] Y. B. 21 and 22 Ed. I. p. 526; Reg. Brev. f. 11 b. When the proceedings of any local court were to be brought before the king's court, the regular practice was to demand the presence of four suitors as recorders.

[2] See the dictum ascribed to Heriet, a judge of John's reign, cited above, p. xxxv.

[3] G. L. von Maurer, Fronhöfe, iv. 117.

only judge is the lord's steward; but still for some reason never explained we are not to give the name 'manor' to any complex of rights that does not include a jurisdiction over freeholders. Suppose a manor; suppose that all the freeholds escheat; the relation of the lord to his customary tenants remains just what it was before, only we are not to say that he has a manor; at best he has 'a customary manor,' a 'reputed manor.'

Is it a merely verbal proposition?

We can conceive that this is the long and the short of the matter, that we have come upon a piece of arbitrary and sterile terminology such as is occasionally found in every technical system. It may be shown, for example, that lawyers once used the words 'appendant' and 'appurtenant' indiscriminately [1] and saw no harm in pleading about the 'seisin' of chattels:—no word begins by being a technical word. But further in the present case we can venture a surmise as to the means whereby the term underwent a specification. I have not been able to find in the Year Books the statement that without a court baron or a court of freeholders there can be no manor; [2] but we may easily find the statement that to every manor a court baron is incident.[3] This seems to mean two things—(1) that when a feoffment, lease or the like is made of a 'manor' there is no need to mention the court baron, for it is comprised in the term 'manor'; and (2) that if it be admitted that you have a 'manor,' you have no need to show either grant or prescription for your court baron. Now both these rules may well be true without its being also true that there is no manor without a court baron. In convey-

[1] See Scrutton, Commons and Common Fields.

[2] The case Trin. 12 Hen. IV. f. 25, pl. 13, cited by Coke, 6 Rep. 64 a, is distinctly against him as regards terminology, for it says that when 'a manor with [freehold] services' was partitioned, and 'the manor' was allotted to one parcener, the services to the other, 'the parcener who had the manor' could have no suit of court from the freeholders, while he who had the services could have no suit, 'because he had not the 'manor.' Thirning, C. J., had no notion that the 'manor' was suspended; one of the parceners had the manor, though he had no suit of freeholders.

[3] 'Chescun manoir de common droit ad un court baron incident al manoir,' Trin. 34 Hen. VI. f. 49, pl. 15. 'De common droit a chescun manoir est incident un court baron,' Trin. 8 Hen. VII. f. 3, pl. 1.

ing land there is no need to mention the easements which that land enjoys over other land; but it is not every piece of land that has easements. Still once get these rules stated authoritatively in the form 'To every manor a court baron is incident' and a little misunderstanding, of a kind familiar to all who have studied legal history, may bring us to the dogma 'No court baron, therefore no manor.'

Or are the freeholders judges of the copyholders?

Certainly however it would be more satisfactory could we see here a rule of law and not a mere rule of legal terminology. But this we can hardly do without holding that the reason for requiring the two or more freeholders is that without the presence of free suitors no justice can be done even between or upon the customary tenants. This Coke and his successors deny; they assert that for customary tenants there is a customary court in which the lord's steward is the sole judge. But even in Elizabeth's day this assertion seems to have been disputed, for there were who doubted whether any manorial court of any sort or kind could be held if there were not two free suitors.[1] A mere doubt on such a point is enough to set us asking whether the whole doctrine of a customary court distinct from the court baron, the doctrine that the customary tenants have no judge save the lord's steward, be not of modern origin.[2]

Difficulty of the question.

In course of time the Selden Society may come to some assured answer to this question. It certainly is a very difficult question. As will be seen from the specimens here printed, the court rolls of the thirteenth century usually maintain a provoking silence about the constitution of the courts whose doings they relate. We have to attend to minute points and ambiguous indications which we are likely to construe in various ways according to our preconceived opinions as to the earlier history of the villan class:— Is it the history of a class of free men falling through predial

[1] See what is said by Gilbert, Tenures, p. 210-1. Compare Nelson, Lex Maneriorum, p. 70-1.

[2] Roger North in his Autobiography, p. 108, when he is by way of explaining to laymen the mysteries of 'court keeping,' speaks of 'the Copyhold Court, which is called the Court Baron.'

serfage to personal slavery, or of a class of slaves rising through predial serfage to liberty, or of a fusion of classes of free men and slaves whose mixed traditions of freedom and slavery are consolidated into a law of serfage? But still, though we must leave this wider question open, a few suggestions may be made.

Suitors as judgment-finders.

The constitution of the communal (county and hundred) courts in the thirteenth century may serve us as a starting-point, for it has every appearance of being very old and there is some direct evidence of its great age.[1] In these courts, we are told, the sheriff though he presided was not the judge; the suitors were the judges. This was no idle doctrine:—a case from 1226 shows us how the sheriff of Lincolnshire was obliged to adjourn the court because he had quarreled with the freeholders whose business it was 'facere judicia.'[2] 'Facere judicia,' to make judgments, this was the duty of the suitors. The relation between the sheriff and the suitors we can hardly express in any of our accustomed English terms, because in England the constitution of these old courts became a matter of small importance, an archaism, and all our traditional, technical language is adapted to describe a newer type of court, a court which has 'judges' for questions of law and 'jurors' for questions of fact.[3] If for a moment we may use German terms we can say that the sheriff is *der Richter*, the suitors are *die Urtheilfinder*. The sheriff is the presiding magistrate, he controls the whole procedure, issues all the mandates, pronounces the sentence; but 'judicia facere,' to find the judgments, that is the duty of the suitors. They are not 'judges of fact'; the ancient procedure requires no 'judges

[1] Dr. Brunner, Deutsche Rechtsgeschichte, i. 152, has lately summed up the evidence as to the constitution of the Anglo-Saxon courts in accordance with the prevailing opinion.

[2] Bracton's Note Book, pl. 1730; see also pl. 212. The doctrine is well maintained in the Year Books; 26 Ass. pl. 45, f. 129; Hil. 45 Ed. III. f. 1, pl. 2; Mich. 6 Ed. IV. f. 3, pl. 9; Hil. 7 Ed. IV. f. 23, pl. 27; Pasch. 12 Hen. VII. f. 15, pl. 1.

[3] Thus Choke makes the sheriff a mere 'minister,' Coke makes the steward a mere 'register'; neither of these terms is very appropriate; see *Holroyd v. Breare*, 2 Barn. and Ald. 473. In a roll of Edward I.'s reign for the hundred of Appletree, a township is amerced 'pro defectu *judicatorum*'—an apt term; Duchy of Lancaster Rolls, Bundle 43, No. 482, m. 1 d.

of fact'; facts are proved by appeals to the supernatural: by solemn, formal oaths, by ordeals, by battle; the 'judgment-finders' lay down the law, decide by whom and in what mode the case shall be proved. We come upon one of the convincing proofs that trial by jury is an innovation when we say it never forms part of the procedure of the communal courts. Presentment by jury does make its way into their procedure; in consequence of royal ordinance it becomes the procedure of the sheriff's tourn; even this serves to introduce a new order of ideas:—in the sheriff's tourn the sheriff is the judge.

Effects of the introduction of the jury.

The manorial courts were more open to the assaults of the new procedure. We have seen how the lords grasped at the presenting jury and made it the active force of their leets. The jury of trial also they introduced when they could. In imitation of their royal master they took to selling the right to have questions decided by inquest. But here a distinction disclosed itself between the two great classes of tenants: the lord could force his villans to swear, he could not force his freeholders to swear; they resisted the attempt and made good their point.[1] Here then we see a distinction capable of splitting a manorial court into two; for the villans there may be judge and jury after the fashion of the king's courts;[2] a jury of freeholders cannot be had unless freeholders will voluntarily consent to serve as jurors. In the one case the suitors can be depressed from the position of 'judgment-makers' to that of jurors; in the other case they must remain 'judgment-makers' until the end.

Illustration:—Trial of a peer.

An illustration of this process may be seen in another province of the law. At the end of the middle ages a peer indicted for felony or treason has to stand his trial before one of two very different tribunals, and it depends, we may say, on an accident, the sitting or not sitting of parliament, whether he will have to plead before the one or before the

[1] Stat. Marlb. 1267, c. 22: 'nec jurare faciat libere tenentes suos contra voluntatem suam, desicut hoc nullus facere possit sine precepto domini regis.' Trin. 44 Ed. III. f. 19, pl. 14; le seignour ne poit my arcter les sutours de jurer.' See also Co. 2nd Inst. p. 142.

[2] See the precedents for summoning jurors to try customary plaints, in Scriven, Copyholds, ed. 1834, Ap. p. 117–9.

other. He may be tried before a court in which all his peers sit as judges of both fact and law, presided over by a high steward who is but 'primus inter pares'; on the other hand he may find that a high steward empowered 'ad audiendum et terminandum' is his only judge, while a selected body of his peers summoned 'ut rei veritas melius sciatur' plays the part, not indeed of a jury, for they do not swear, but of a quasi-jury charged to find fact but not to meddle with law.[1] Was it such a tribunal as that last described that the barons demanded in 1215, when they claimed the *judicium parium suorum*? Assuredly not; had they wanted a jury they would have known how to ask for it: such terms as *veredictum*, *sacramentum*, *jurata*, *recognitio*, *inquisitio* all lay ready to hand; fighting against the tendency of the time they asserted an older principle, the old common law of our race, they demanded a judgment of their peers. In part they ultimately succeeded; a trial of a peer before the House of Lords at the present day would show us a true *judicium parium*, the high steward would be 'der Richter,' the assembled lords 'die Urtheilfinder'; but in part they ultimately failed. May we not guess that the same force, which raised the king's steward to be sole judge of the court, raised the lord's steward also? if the customary suitors declined from the position of 'judgment-makers' to that of jurors, they shared this fate with the peers of the realm.[2] Our rolls will show that such a declension might take place very gradually. We shall read how in 1258, and again in 1294, the freeholders of the Abbot of Ramsey had to elect four of their number to do the military service for the Abbey. On the former occasion the election takes the form of a judgment pronounced by the whole court,[3] on the latter that of a sworn inquest.[4]

[1] *Lord Ferrer's Case*, State Trials, xix. col. 964; *Lord Morley's Case*, vi. col. 772–4.

[2] That the 'judicium parium' of Magna Carta did not mean trial by jury, seems now generally admitted, and must be clear to anyone familiar with the language of the time; Reeves, Hist. Engl. Law, i. 249; Gneist, Engl. Verfas. Ges. 295; Stephen, Hist. Crim. Law, i. 162; Bigelow, Hist. Procedure, 155; Stubbs, Const. Hist. i. 537; Bracton's Note Book, pl. 857, 1213; Mat. Par. Chron. Maj. iii. 252, 257, vi. 73.

[3] Below, p. 61–2–4.

[4] Below, p. 76.

The distinction is delicate but all important. The jurors or recognitors of the time, we must remember, had often enough to answer questions which involved matter of law: for instance, in the grand assize they had to say whether A or B had the greater right to the land. The difference between returning a sworn verdict to such a question and finding a judgment in favour of A or B would not be very apparent to John the Smith and William the Miller; but it was a difference big with future history.

Transforming power of the new procedure.

We approach our rolls therefore with a suspicion that the courts which they reveal will be undergoing a transformation, will be suffering the intrusion of new elements, presentment by jury and trial by jury, elements hardly compatible with their old constitution. We shall not be disappointed.

Judgment-finders in the manorial courts.

Nowhere do we find any clear assertion that the lord's steward is judge. Over and over again the 'curia' is mentioned in contexts which prove that he is not the 'curia,' that the 'curia' is the whole body of suitors or some part of it: the 'tota curia' does this, the 'plena curia' does that.[1] In a court of freehold tenants such as that which the Abbot of Ramsey kept for his honour of Broughton, in a court on the ancient demesne such as that which the same abbot kept for his manor of King's Ripton, it is abundantly clear that the suitors were the judges;[2] even in the court of a fair to which no one owed suit it was not for the lord's steward to make the judgments: at least in cases of difficulty they were made by the assembled merchants.[3] Elsewhere the position of the 'curia' is less clear because it seems to discharge many functions: now it judges, now it presents, now it serves as a jury of trial. Imitation of the royal courts seems to be transfiguring it; the admission of presentments by jury, of trial by jury, will hardly assort with the maintenance of the old principle that 'facere judicia' is the function of the suitors, with the

[1] See below, Index, s.v. *Court*.

[2] Extracts from the rolls of these courts are given below.

[3] See the extracts from the roll of the fair of S. Ives given below.

old rule 'Curia domini debet facere judicium et non dominus.'[1] But certain other facts we may note.

The bulk of the suitors not freeholders.

In the first place, though we have little warrant for speaking in general terms or treating any one manor as typical, we have evidence enough that the number of freehold tenants of a manor was usually small, that they were far outnumbered by the customary or villan tenants; such at all events was the case on those great monastic estates of which we know most, and the older the evidence, the fewer the freeholders.[2] True that at the end of the thirteenth century the number of *maneria* without any freeholders at all seems quite small, but the number with less than five freeholders is large, and some of the freehold tenements are often of trifling value. We may with some safety assume, as a rule subject to many exceptions, that the bulk of the persons named on the roll of a court which is the court of a manor, not of an honour, are not freeholders. In most cases therefore the manorial court must have been mainly a court for customary tenants.

The court remains the same for freeholders and others.

In the second place we shall be much struck by the fact that with rare exceptions our rolls notice no distinctions of procedure between cases which concern freeholders and cases which concern customary tenants, or even between cases which concern free men and those which concern bond men. We do not see the court reconstituting or rearranging itself as cases of different kinds arise.

Freeholders and villans owe suit to the same *halimotum* and the same *curia* pronounces judgment upon them. It is even possible to find cases in which the judgment is said to be that of the whole township (*villata*), a phrase which certainly includes the villans, even if it does not exclude any freeholders that there may be.[3] Indeed there seem to

[1] Munimenta Gildhallae, i. 66.

[2] Though it is very possible to believe that the villani of Domesday were free men, it seems impossible to doubt that they were the predecessors in title of the villani of the thirteenth century. It follows that over the greater part of England the Domesday *manerium* has rarely any tenant whose successors in title will be freeholders. Thus far Mr. Seebohm seems to have proved his case, though his reading of yet earlier history cannot be accepted.

[3] A roll of Henry III.'s reign of the Earl of Essex's court at Waltham,

have been some who thought it positively wrong for a lord to divide what in later days would have been called his 'court baron' from his 'customary court.' On the Hundred Roll of 1295 it is complained that the Abbot of Fécamp used to hold his court at Steyning of his free men and his bond men all together, but now he holds a court of his free men by themselves and a court of his bond men by themselves and amerces them in their absence, whereas they used to be amerced in the presence of the whole court, and thus he appropriates to himself new franchises.[1] The books of a later age which insist that the two courts ought to be distinguished confess that as a matter of fact the distinction is habitually neglected. But the usage may well have varied from manor to manor. Thus on a stray roll belonging to Wartling in Sussex and to Edward I.'s reign, 'the whole court of the villans' appears, makes presentments and finds verdicts in such a context that we may thence infer that the court had other suitors who were not villans.[2] But similar entries have not as yet been found elsewhere.

Customary tenants had 'judicium parium.'

On the strength of this evidence, though it be for the more part of the silent kind, we may believe that even the customary tenants, even the born villans, were or had been entitled to the judgment, not merely of the lord's steward, but of the manorial 'curia'; we even hear a distinct claim of villan tenants to have the judgment of their neighbours.[3] In this there is nothing absurd; in a German manor though the tenants and suitors be personally unfree (*Leibeigene*) they are none the less the judgment-finders of the manorial court.[4] At King's Ripton most certainly the suitors were the judges and could even do justice upon their lord, and yet they owed him services of a very 'vil-

Duchy of Lancaster Records, Bundle 62, No. 750: 'consideratum est per totam villatam'; 'tali de causa tota curia dedit dicto R. totum mesuagium.' In general to say of a man that he forms part of the *villata* is as much as to say that he is a *villanus*.

[1] R. H. ii. 203.

[2] Brit. Mus. Add. Chart. 32609: 'testatur per totam curiam villan' . . tota curia villanor' dicit' etc.

[3] R. H. ii. 788: 'et si dampnum fecerit in blado domini nichilominus faciat emendam per consideracionem vicinorum suorum.'

[4] Maurer, Fronhöfe, iv. 109.

lanous ' kind. True that King's Ripton was on the ancient demesne; but have we any explanation of the privileges of the men of the ancient demesne except that they have preserved a certain freedom which their fellows on other manors have lost? When, too, we consider that even the king's courts gave the villan an action against all but his lord, and that the freeholders and customary holders of the manor must often have been involved in the same disputes, we shall have some difficulty in believing that the tenants in villanage had no judge in the manor court save the lord's steward.

Did the freeholders judge the other tenants?

We must not, however, hastily dismiss the notion that only the freehold suitors were judges, that they were judges as well for their inferiors as for themselves. In the first place the common learning about the essence of a manor points this way, though not unambiguously. Secondly, the villani who come to the hundred and county courts as representatives of their vills and tithings fill a distinctly subordinate position when they get there; they are not judgment-finders, but mere presenters. Thirdly, it is common in the thirteenth century to find just a few freeholders on every manor—often they bear the distinctive surnames of Freeman and Franklin;[1] their presence suggests that they may be wanted to hold pleas, and we often find that they are required to exercise a certain control over the villans: they direct the labours of the villans at the boon works.[2] Fourthly, some of the franchises, e.g. of that sending thieves to the gallows, could not be used without free suitors,[3] and the intermixture of the franchise jurisdiction with the manorial jurisdiction and of the jurisdiction over freeholders with that over customary tenants was such that probably the same

[1] The Gloucester and Ramsey Cartularies and the Hundred Rolls supply a large number of instances in which one of the very few freeholders bears the name 'le Freeman' or 'le Frankelain.'

[2] The freeholder is often bound to attend at the boon works with a rod in his hand, e.g. R. H. ii. 627–8–9, 663. A freeholder is bound to stand in the lord's barn at harvest time and supervise the garnering of the corn. Ib. 539.

[3] P. Q. W. 204; see above, p. xl. The often-cited story told in D. B. i. 193 b of how Earl Roger borrowed three sokemen to hold his pleas is not very luminous, because we do not know of what sort were the pleas that were to be holden.

'curia' served for all cases. Now in all probability a freeholder might always have objected to having a villan among his judges, while on the other hand it is by no means certain that the principle of 'judicium parium' was infringed by requiring the villan to submit to the judgment of freeholders. That principle would protect a man against the judgment of his lord or his lord's officer, and against the judgment of his inferiors: it did not mean that his judges were not to be superior to him in legal or social standing.

Conclusion. On the whole, however, and as a provisional judgment upon a matter which requires much further investigation, we shall be inclined to hold that the 'curia' which meets us on page after page of this book is in general the whole body of suitors, and that these suitors are, or have been, the finders of judgments. When an 'extent' of a manor is made the jury often consists partly of freeholders, if the lord can get them to swear, partly of born villans. When knights are to be sent to the war to represent the Abbey of Ramsey,[1] very humble socagers have a voice in the election; yet the social gulf between the Earl of Oxford and some of those who elected him and acted as his 'pares' must have been far wider than that which divided a rack-rented holder of a few freehold acres from a thriving customary tenant. But new modes of procedure are emphasising distinctions which have heretofore been less felt. The freehold suitors can maintain their position, the customary suitors become mere presenters and jurymen with the lord's steward for their judge. This of course is by no means a complete explanation of what probably is but one of the many effects of a great social movement. The intrusion of trial by jury is by no means the only force which is debasing the legal position of the customary tenants. In particular every extension of royal justice at the expense of feudal justice does some immediate harm to the villan. It is just because all other people can sue for their lands and their goods in the king's own court that he seems so utterly defenceless against his lord:—'the custom of the manor'

[1] Below, p. 76. The electors include the Abbot's riding bailiffs, *ridemanni*.

looks so like 'the will of the lord,' just because the humblest freeholder has something much better than the custom of the manor to rely upon, for he has the assizes of our lord the king, the statutes of king and parliament. But here on the threshold of vaster questions it is high time to end this overgrown Introduction. F. W. M.

CAMBRIDGE: *December* 24, 1888.

NOTE A. *History of the word 'Leet.'*

The term 'court leet,' in which 'leet' seems used as an adjective qualifying the substantive 'court,' is modern. Does it occur in any medieval document English, French or Latin? Without daring to answer this question in the negative, we may safely affirm that much more commonly 'leet,' or in Latin 'leta,' appears as a substantive, thus—clamat habere liberam letam—indictatus fuit in leta—si un presentment soit in un[1] leet—un tenant resiant deynz mon[1] leete. Indeed it is allowable to doubt whether the phrase 'a court leet' became current until long after the leet had ceased to be a really effective institution. Coke gets as near to it as 'the court of the leet,' but usually speaks of 'a leet,' 'the leet.' But even this substantive 'leet' is not among the oldest of our technical terms. Without saying that it does not occur in any statute, ordinance or textbook of the thirteenth century, I think that I may say that it does not occur in those places where one would most naturally look for it. Even in the Hundred Rolls and the Placita de Quo Warranto, which deal minutely with the private jurisdictions and with courts which we should call courts leet, this word is by no means frequent. If I mistake not, it is only in Norfolk that the hundredors speak of leets; thus—Prior de Cokeford clamat habere letam in Rudham—Alicia de Playz clamat habere letam suam in Thoft (R. H. i. 452). On the other hand the word occurs pretty frequently in the Year Books of Edward I.; but on comparing the French discussions with the Latin pleadings we shall be brought to the opinion that if lawyers had been asked to give the Latin for 'leet' they would have said 'visus franci plegii.' The earliest occurrence of the word that I have seen is found in a survey of the lands of the Abbot of St. Edmunds

[1] *Sic* in the printed YBB., where genders are disregarded.

in Suffolk, made near the end of the twelfth century. In this document 'leta' is used to denote a certain geographical area, though it may imply a jurisdiction within that area:—'In hundredo de Tinghowe sunt xx. ville ex quibus constituuntur ix. lete quas sic distinguimus; Barue et Flemeton et Lacford sunt una leta; Barue illius lete est medietas' etc. (The survey is printed in Gage, History of Suffolk, p. xii.) I have not yet seen any instance in the thirteenth century of a court calling itself a leet on its rolls except in East Anglia; but in East Anglia I have seen a few instances; e.g. (A.O. $\frac{28}{20}$) at Walsoken, 'Leta Episcopi Elyensis, Abbatis de Rameseye et Prioris Lewensis tenta in communi'; a curious instance of a leet with three lords.

It would seem as if the word 'leet' was somewhat suddenly adopted by lawyers for the purpose of expressing a distinction which after the great Quo Warranto Inquiry had to be expressed, the distinction between the delegated royal jurisdiction and the properly feudal jurisdiction, two things which were commonly combined in practice, but which were for the future to be sharply severed in theory. The difficult task that the philologist has with this word may perhaps be eased by the reflection that very likely it was caught up pretty much at random out of the popular speech, perhaps the popular speech of a particular district, and made to do a duty for which as a matter of etymology it had no special aptitude.

A derivation from A.-S. *leod*, Germ. *Leute* (people, folk), is rejected by modern science: this word would become in English *leed* or *lede*, not *leet*. The derivation suggested by Coke from A. S. *gelaðian* (to invite, to summon) is similarly unacceptable. Dr. Skeat tells me that in one way or another *leet* may be traced to A.-S. *lǽtan*, Germ. *lassen*, our modern English *to let*. He has kindly written the following note:—

'Etymologically, if it be an English word, *leet* is almost certainly a derivative of the verb *lǽtan*, to let. In modern English, the vowel of *let* has been shortened; it was long as late as the fourteenth century. The Essex phrase *threere-leet* (A.-S. *thréora gelǽtu*) means "a place where three ways meet," lit. "dismissals (or exits) of three." So also, in the words *in-let*, *out-let*, the vowel was formerly long, as *in-leet*, *out-leet*. It is certain that, in these senses at any rate, *leet* is derived from the root-verb *lǽtan*.'

He adds:—'The verb *lǽtan*, to let, is a primitive root-verb, capable of originating derivatives easily. One common derivative is A.-S. *ge-lǽte*, lit. an allowed or permitted way, hence a way

(in general) from a given point. This word becomes *leet* and is still used in East Anglia. My belief is that the A.-S. *ge-lǽte*, which could of course be spelt *lǽte*, as the prefix *ge-* makes no difference at all, is the origin not only of the East Angl. *leet* in the sense of "road" but of the disputed word. The sense may easily have been "the thing appointed," for *lǽtan* constantly means "to cause to be done." It also means "to let," as in "to let land or a house." I think the whole difficulty is caused by the Protean senses of this verb *lǽtan*, meaning "to let (allow), to let (be done), to let (land), to let (go, dismiss)."'

Mr. Wedgwood would fetch our word from the same source by the following route. He writes thus:—'*Leet*, Germ. *lasse*, *Lassbauer*, the name given in many parts of Germany to tenants subject to certain rents and duties. *Lassbank*, the court of the *lassi*, *court leet*; *Lassschöffen*, leet jury. Dutch *laet*, a peasant tenant subject to certain jurisdiction; *laet-banke* the court of the tenants, *court leet*. In England *court leet* is the court of the copyhold tenants, opposed to court baron, that of the freeholders of a manor, copyhold being a servile tenure.' It will be seen that Mr. Wedgwood is not quite right in his law, for the leet of our Year Books is not a court for copyholders; indeed its specific mark is that it is not a court for tenants of any kind, but a court for residents. The suggested connexion between our court leet and the German *Lassbank* and *Lassschöffen* is attractive, but opens up new difficulties; for is the German *Lassbauer*, as Mr. Wedgwood seems to think, simply a peasant to whom land has been *let*, or is he a representative of the *let*, *leto*, *litu*, *litus*, *laetus*, *letus*, *lidus*, *ledus*, *lassus*, *lazzus*, the half-free man who appears in the Frankish, Frisian and Saxon laws, who appears as *læt* in the laws of Ethelbert of Kent? In this latter case what is the meaning of the word; is the *læt* the man who is late, slow, slothful, a loafer, or is he the man who stays, who dwells, the *manens* or *mansionarius* (Grimm, Deutsche Rechtsalterthümer, 305; Müllenhof in a note to Waitz, Das alte Recht der Salischen Franken, 288)? The word *manentes* seems often used in the A.S. land-books and the parallel continental documents like *casati* to denote the, presumably unfree, tillers of the soil. Again is it this word which occurs in the formula of an A.-S. charter (Kemble, No. 425) 'cum omnibus ad hoc rebus rite pertinentibus, sive litorum, sive camporum, agrorum, saltuumve'? This may remind us of another A.-S. formula, 'ne lǽðes ne landes' (Schmid, Gesetze, p. 408), which seems the same as the Frisian formula (Brunner, Deutsche

Rechtsgeschichte, i. 101) 'om land ner om letar.' Perhaps we here come upon another word, the *lathe* which appears as a subdivision of Kent, A.-S. *læð*, of which Dr. Skeat says, 'I suspect it to stand for *legð* from *licgan*, to lie; cf. Dan. *lægd*, a division of the country (in Denmark) for military conscription; we also find Dan. *lægd*, a site.' It is curious that in the twelfth century Kent should have been divided into lathes and Suffolk into leets and that the two words should have nothing to do with each other; but the lathe is superior to the hundred, the leet inferior. Lastly it may be just worth notice that the duty of the Bishop of Winchester's tenants to attend his court at Taunton twice a year without being summoned, which in Domesday appears as 'ter in anno teneri placita episcopi sine ammonitione,' is described in a document printed by Kemble (Cod. Dip. vol. iv., p. 233) as 'þreó mótlæðu ungeboden on xij. monðum.'

Leaving such questions for experts, the point that seems clear is that the word *leet* as meaning a court of a particular kind only becomes prominent at a comparatively late time; it seems to have been spread abroad by the lawyers of the fourteenth century.

Note B. *On the word Halimot or Hallemot.*

I believe that this word is not found in the Anglo-Saxon documents; it occurs however in the Leges Henrici and is common in documents of the thirteenth century. It has generally been supposed to mean 'the hall moot,' the meeting in the lord's hall. In the thirteenth century however it is generally spelt *halimot*, and Dr. Skeat tells me that this points, not to 'hall-moot,' but to 'holy moot.' If that be the true derivation then perhaps we may guess that the term was first applied to the courts belonging to monastic houses in the sense of 'the Saint's court,' for it is not uncommon to find such courts spoken of as though they belonged to the patron saints, e.g. the Abbot of Ramsey's court is Curia S. Benedicti. In Germany the manorial courts of religious houses were sometimes known as 'holy courts'; see G. L. von Maurer, Fronhöfe, iv. 98. From these courts, perhaps the first private courts that ever existed, the name may have been extended to the similar courts of lay lords. But in the Leges Henrici as printed we find a varying spelling, *halimoto* (9, § 4), *hallemotis* (20, § 1), *hallemotis* (20, § 2),

hallimoto (57, § 8), *halimoto* (78, § 2). Have two different words been fused? On the whole it would be convenient if philology would suffer us to believe that we have to do with a 'hall moot.' In Domesday the *halla, haula, aula*, seems the very essence or at least the outward and visible sign of the *manerium*, so that a *manerium sine haula* is a noteworthy thing (Index to D.B. s.v. *Manerium*). When we read 'Hoc manerium habet suum placitum in aula domini sui' (D.B. i. 265 b) we are greatly tempted to believe in the existence of a hall moot.

Note C. *The Quo Warranto Inquiry of Edward I.'s reign.*

I have ventured to depart from the common opinion which represents the great Inquiry as a thoroughly successful measure. That either Edward was defeated in his original claim or else had from the first intended to compromise it, seems plain from the Statute Book and the Placita de Quo Warranto. In the proceedings under the Statute of Gloucester of 1278 the king's pleaders assert in the most uncompromising manner that user however long gives no title to a franchise; to urge that the usurpation has been long continued is to aggravate the injury (e.g. P.Q.W. 4). The concession was made by two statutes or ordinances of the year 1290 (Statutes of the Realm, i. 107); the latter of these was regarded by the Dunstable annalist as a welcome measure of relief which justice demanded (Ann. Dunst. p. 360; Ann. Waverl. 395). The change in the law, or in the king's theory of the law, becomes extremely plain if we compare the pleadings of the earlier with those of the later years of the reign (e.g. compare in P.Q.W. Bedfordshire with Cambridgeshire). In the former if the lord prescribes, the king's pleader at once craves judgment; in the latter, he joins issue and the jurors almost always find against the king. See the writ to the justices in Yorkshire announcing the change in the law, P.Q.W. 203, and a case from 1292 in Y.B. 20 and 21 E. I. p. 114. A comparison of the Quo Warranto Inquiries of Edward's day with those of his grandson's day (this is possible in the case of Bedfordshire) seems to prove that most of the franchises claimed at the earlier date were still exercised at the later. They seem to have been well enough liked by the classes from which jurors were drawn.

NOTE.

The following typographical devices have been used:—

Words or letters about which the editor is uncertain are printed in italics.

Words which appear to have been interpolated or added by way of postscript are printed within (   ).

Words through which a pen has been drawn, and which therefore seem to form no part of the record as finally settled, are printed within {   }.

Illegible words restored by conjecture and words not in the original which have been inserted in the translation to make it clearer are printed within [   ].

The letters R. H. stand for the *Rotuli Hundredorum*; P. Q. W. for the *Placita de Quo Warranto.*

PLACITA IN CURIIS MAGNATUM ANGLIE.

SELECT PLEAS FROM MANORIAL ROLLS.

I. THE MANORS OF THE ABBEY OF BEC.

INTRODUCTORY NOTE.

The following extracts are taken from rolls which belonged to the Abbey of Bec and which now belong to King's College, Cambridge. The famous Norman house,[1] the home of Lanfranc and Anselm, naturally became a large landowner in England. It would seem however that she did not obtain any great share in the original distribution of the spoil. In Domesday Book we find that she already is a tenant in capite at Deverel or Deverhill in Wiltshire owing to the liberality of Queen Matilda and holds land at Tooting under Richard FitzGilbert (D. B. i. 68 b. 34 b). But she soon became rich, as appears from a charter of Henry II. which is known to us through an inspeximus (Monast. vi. 1068). This charter confirms to her a large number of manors in various parts of England. Her possessions extend from Devonshire to Norfolk, from Warwickshire to Sussex. Hers was an extremely scattered estate consisting of single manors dotted about in divers counties. In most cases her benefactors were the owners mentioned in Domesday or their immediate successors. She seems to have had cells at Ogbourne in Wiltshire and at Ruislip in Middlesex, and the Priory of S. Neots was also subject to her, though in the fourteenth century the Prior asserted his right to sue and be sued (P. Q. W. 9. 55. 101. 301). In the thirteenth century most of her manors seem to have been under one management. The rolls in question bring this out very plainly. We can follow the steward as he makes his tour twice a year throughout England carrying his rolls with him. This is a point of some interest, for the action of such stewards going about from one corner of the land to another must have tended to produce a great uniformity in manorial customs and thus have supplemented in a humbler sphere the work that was being done by the king's itinerant justices.

[1] Monasticon, vi. 1067; Nichols, Alien Priories, i. 22. The early history of the abbey is told in Freeman, Norman Conquest, ii. 214–227.

The manors which will come before us are Preston in Sussex (D. B. i. 24 b), Tooting ('Tooting Beck' is a name still known) in Surrey (D. B. i. 34 b), Combe in Hampshire (D. B. i. 46 b), Wantage in Berks (D. B. i. 57 a), Ogbourne in Wilts (D. B. i. 65 b; R. H. ii. 269), Deverel in Wilts (D. B. i. 68 b), Povington in Dorset (D. B. i. 80 b), Ruislip in Middlesex (D. B. i. 129 b), Bledlow in Bucks (D. B. i. 146 a; P. Q. W. 88), Swincombe in Oxford (D. B. i. 159 b; R. H. ii. 757; P. Q. W. 667), Cottisford in Oxford (R. H. ii. 837), Weedon ('Weedon Beck') in Northants (D. B. i. 223 a, 224 b; P. Q. W. 583), Atherstone in Warwick (D. B. i. 239 b; P. Q. W. 780), Wretham in Norfolk (D. B. ii. 236) and Blakenham in Suffolk (D. B. ii. 351 b), but these are not all the manors with which the rolls deal.

King's College also possesses among its muniments (Dd. 33) a long and handsome roll of parchment containing 'extents' of some of the manors which lie in the south of England. To judge from the handwriting these were compiled in the early part of the thirteenth century. There seem to have been few, if any, freeholders on these southern manors; all the tenants seem to pay merchet and if they die intestate their chattels are at the will and disposition of the lord ('et si intestatus decesserit debent omnia sua bona que possedit in voluntate domini et disposicione remanere'). The two Oxfordshire manors are described on the Hundred Roll of 1279. At Swincombe the abbot has ten customary tenants holding eight acres apiece, who are described as *servi*, and eleven cottars, each of whom holds a croft; but a few miles off at Ewelme were two freeholders, each holding a virgate, who owed suit to the court at Swincombe twice a year (R. H. ii. 757. 761). On the manor at Cottisford there were five freeholders, one of whom had four virgates by the service of holding the abbot's court twice a year, fifteen *villani* holding virgates and half-virgates and one cottar (R. H. ii. 837).

The courts in these manors seem to have been holden but twice a year. It is possible that they met more frequently under the presidency of the local bailiff for merely formal purposes; but if so what was done at these meetings was not enrolled. The steward seems generally to have made his rounds after Easter and again about Martinmas.

The charter of Henry II. had some large 'general words' of exemption and immunity and confirmed the lands to the abbot *cum soka et saka et tol et them et infangenethef et cum omnibus aliis libertatibus et liberis consuetudinibus suis* and a charter of Henry III. expressly gave him *catalla felonum* and the amerce-

ments of his tenants in whatever court they might be amerced. But it seems clear that none of his charters, according to the doctrine of Edward I.'s time, would give him the view of frank-pledge which he exercised; for this he had to rely upon prescription (P. Q. W. 55. 88. 101. 301. 462). The earliest of the existing court rolls fail, as I think, to show that he was then seised of the view of frank-pledge or the police jurisdiction that was incident thereto. It is only somewhat late in the day that the *capitales decennarii* come on the scene with their presentments. But the evidence of silence is insufficient proof. It will be noticed that the rolls do not show us a regular jury of presentment like the 'leet jury' of later times. On the other hand issues between litigants are often tried by jury, the right to a jury being sold by the lord and the purchaser having to pay more in the case of a favourable than in that of an unfavourable verdict.

On the whole these rolls seem good specimens. They are somewhat above the average in interest owing to the number of disputes between litigants. They begin in 1246 and run on, though with many large gaps, through the reign of Edward I. There are many later rolls; but these I have not used. I have given the substance of the earliest rolls. After this I have made selections; but have on many occasions given the whole of the entries which show the business done on a given day in a given manor. It is hoped that in this way a fair picture is presented.

[1] PLACITA MANERIORUM BECCENS' IN ANGLIA DE TERMINO DE HOKEDAY ANNO DOMINI M^{mo} CC^{mo} XL° SEXTO.

Bleddel'. Die Sabbati proxima ante Ascenscionem Domini.

Gregorius de Sidenham versus dominum de pl' leg' vad' [2] per Ricardum Molendinarium. aff'.[3]

Jordanus de Henton' versus Willelmum de Mora et Roisiam viduam de placito transgressionis per Johannem Squier. ij^{o}. aff'.

Ricardus filius Lecie de co' sum' [4] per Johannem Harding. aff'.

Johanna vidua versus Widonem Parage de placito transgressionis per Gilebertum filium Mabilie. aff'.

Robertus Costard versus Galfridum de la Strette j^{o}. de placito transgressionis per Gilebertum filium Mabilie. aff'.

Simon le Franceys versus Johannem de Senholt iij^{o}. de placito transgressionis per Odonem de Musel'. aff'.

Willelmus filius Simonis versus eundem de eodem per Ricardum filium Odonis. aff'.

{Willelmus le Carpenter} de co' per Johannem le Franceys.

{Willelmus le Franceys} de eodem per Radulfum Kinct.

Curia presentavit quod Simon de la Cumbe levavit quandem sepem super terram domini. Ideo prosternatur.

Simon de la Cumbe dat xviij. d. pro licencia concordandi cum Simone le Bes*m*ere. Plegii Johannes Sperleng et Johannes Harding.

[1] King's Coll. Camb., C. 1. m. 1; a single membrane.

[2] *de placito legis vadiate.* These essoins are printed as specimens of a very common class of entries, of which but few examples will be given.

[3] The essoiner pledged his faith, *affidavit*, that the person whose excuse he brought would make that excuse good; see Bracton, f. 337 b.

[4] *de communi summonitione.* This is the essoin, not of a litigant, but of one of the suitors of the court who has not obeyed the summons convening the court.

PLEAS OF THE MANORS IN ENGLAND OF THE ABBEY OF BEC FOR THE HOKEDAY[1] TERM A.D. 1246.

Bledlow [Bucks]. Saturday before Ascension Day.

Gregory of Sydenham [essoins himself] against the lord in a plea in which he has waged his law. Richard Miller is essoiner and has pledged his faith [that the essoin will be warranted].

Jordan of Henton [essoins himself] against William Moor and Roise the widow in a plea of trespass by John Squire [as essoiner], for the second time. Faith is pledged.

Richard son of Lecia [essoins himself] of the general summons by John Harding. Faith pledged.

Joan the widow [essoins herself] against Guy Parage in a plea of trespass by Gilbert Mabel's son. Faith pledged.

Robert Costard [essoins himself] against Geoffrey Street in a plea of trespass for the first time by Gilbert Mabel's son. Faith pledged.

Simon Francis [essoins himself] against John of Senholt in a plea of trespass for the third time by Odo of Mursley. Faith pledged.

William Simon's son against the same person for the same cause by Richard Odo's son. Faith pledged.

{William Carpenter of the general summons by John Francis[2]}

{William Francis of the same by Ralph Kinct.}

The court has presented that Simon Combe has set up a fence on the lord's land. Therefore let it be abated.

Simon Combe gives 18 d. for leave to compromise with Simon Besmere. Pledges, John Sperling and John Harding.

[1] Hokeday is the second Tuesday after Easter.

[2] This entry and the next are partially struck out.

Datus est dies ad proximam curiam Alicie de Standen' ad producend' cartam suam et heredem suum.

Johannes Sperling queritur de Ricardo de Newemere cum averiis equis et porcis suis die dominica ante festum S. Bartholomei proximo transactum enormiter destruxit bladum suum super terram que fuit costenti' [1] ad dampnum suum unius thrave frumenti et dedecus ij. sol. et producit sectam.
lex Et Ricardus venit et defendit totum. Ideo ad legem vj. manu. Plegii Simon de la Cumbe et Hugo de la Frithe.

Suyncumbe. Die dominica proxima ante Ascenscionem Domini.

Ricardus Rastold de co' sum' per Willelmum filium Henrici.

Hugo Pik et Robertus filius ejus in misericordia pro
dim. m. bosco domini furtive asportato. Finis pro utroque dim. m. Plegii Rogerus Bouewode, Hugo Bouewode, et Hugo de Bosco et Willelmus Bercarius.

Petrus filius Alexandri in misericordia pro eodem. Finis
ij. s. ij. sol. Plegius Alexander pater ejus.

Henricus Mile in misericordia pro vasto facto de blado
xij. d. domini. Plegii Ricardus Mile et Willelmus Bercarius.

Johannes Faber in misericordia quia non habuit quod plegiavit. Plegii Ricardus *Etys* et Hugo de Bosco. Finis
xij. d. xij. d.

Rogerus Bouewode et Willelmus Bercarius in misericordia quia non habuerunt quod plegiaverunt [2] . . . finis dim. sextar. vini.

[3] Totting'. Die dominica proxima post Ascensionem Domini.

[4] * * * * * * *

Curia presentavit quod subscripti preocupaverunt super terram domini scilicet, Willelmus Sutor, Matillis Relicta Robin (fin. xij. d.), Yon Bercarius (fin. xij. d.), Walterus Prepositus

[1] This word is fairly plain on the roll, but I can neither translate nor correct it.
[2] The roll is torn. [3] m. 1 d. [4] Essoins omitted.

A day is given to Alice of Standen at the next court to produce her charter and her heir.

John Sperling complains that Richard of Newmere on the Sunday next before S. Bartholomew's day last past with his cattle, horses and pigs wrongfully destroyed the corn on his [John's] land to his damage to the extent of one thrave of wheat, and to his dishonour to the extent of two shillings; and of this he produces suit. And Richard comes and defends all of it. Therefore let him go to the law six-handed.[1] His pledges, Simon Combe and Hugh Frith.

Swincombe [Oxfordshire]. Sunday before Ascension Day.

Richard Rastold [essoins himself] of the general summons by William Henry's son.

Hugh Pike and Robert his son are in mercy for wood of the lord thievishly carried away. The fine for each, 6 s. 8 d. Pledges, Roger Abovewood, Hugh Abovewood, Hugo Wood, William Shepherd.

Peter Alexander's son in mercy for the same. Fine, 2 s. Pledge, Alexander his father.

Henry Mile in mercy for waste of the lord's corn. Pledges, Richard Mile and William Shepherd.

John Smith in mercy for not producing what he was pledge to produce. Pledges, Richard Etys and Hugh Wood. Fine, 12 d.

Roger Abovewood and William Shepherd in mercy for not producing what they were pledges to produce . . . Fine, half a sextary of wine.

Tooting [Surrey]. Sunday after Ascension Day.

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The court presented that the following had encroached on the lord's land, to wit, William Cobbler, Maud Robin's widow (fined 12 d.), John Shepherd (fined 12 d.), Walter

[1] He must bring five compurgators.

(fin. ij. s.), Willelmus de Morevilla (fin. xij. d.), Hamo de
v. s. Hageldon' (fin. xij. d.), et Mabilia relicta Spendelove (fin. vj.
xviij. d. d.). Ideo in misericordia.

God*u*ynus in misericordia quia contempsit facere quod
xij. d. ei fuit preceptum ex parte domini. finis xij. d.

Rogerus Ruffus in misericordia pro detencione redditus.
vj. d. Plegius Jordanus de Stretham. fin. vj. d.

Una acra quam Sarra vidua tenuit de terra Willelmi Roce capta est in manum domini donec producat warantum suum.

Willelmus de Stretham in misericordia quia non habuit
xij. d. quod plegiavit. fin. xij. d.

Risselep. Die Martis proxima post Ascensionem Domini.

[1] * * * * * * *

Curia presentat quod Nicholaus Brakespere non est in decena et tenet terram. Ideo distringatur.

Fractores assise Alicia relicta Salvage (fin. xij. d.), Agnotta amica Bercarii, Rogerus Canon (fin. vj. d.), Uxor Ricardi Chayham, Relicta Petri ultra nemus, Uxor Radulfi Cok (fin.
xviij. d. vj. d.), Alewyne (fin. vj. d.), Johannes Bercarius (fin. vj. d.),
xviij. d. vj. d. Galfridus Carpentarius, Roysa uxor Molendinarii (fin. vj. d.),
Willelmus Albus, Johannes Carpentarius, Johannes Bradif.'

xx. s. Rogerus filius Hamonis dat xx. s. pro habenda saisina terre que fuit patris, et pro habenda inquisicione xij. de quadam crofta quam Gilebertus Bisuthe tenet. Plegii Gilebertus le Lamb, Willelmus filius Johannis et Robertus le King.

Isabella relicta Petri in misericordia pro transgressione quam Johannes filius suus fecit in bosco domini. Finis
xviij. d. xviij. d. Plegii Gilebertus Bisuthe et Ricardus Robin.

lex Ricardus Malevill' in lege contra dominum quod non abstulit servientibus domini namia sua ad dampnum et

[1] Essoins omitted.

Reeve (fined 2 s.), William of Moreville (fined 12 d.), Hamo of Hageldon (fined 12 d.), Mabel Spendlove's widow (fined 6 d.). Therefore they are in mercy.

Godwin is in mercy for contemning to do what was bidden him on the lord's behalf. Fine, 12 d.

Roger Rede in mercy for detention of rent. Pledge, John of Streatham. Fine, 6 d.

One acre which Sarah the widow held of the land of William Roce is seised into the lord's hand until she produces her warrantor.

William of Streatham is in mercy for not producing what he was pledge to produce. Fine, 12 d.

Ruislip [Middlesex]. Tuesday after Ascension Day.

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The court presents that Nicholas Brakespeare[1] is not in a tithing and holds land. Therefore let him be distrained.

Breakers of the assize[2]: Alice Salvage's widow (fined 12 d.), Agnotta the Shepherd's mistress, Roger Canon (fined 6 d.), the wife of Richard Chayham, the widow of Peter Beyondgrove, the wife of Ralph Coke (fined 6 d.), Ailwin (fined 6 d.), John Shepherd (fined 6 d.), Geoffrey Carpenter, Roise the Miller's wife (fined 6 d.), William White, John Carpenter, John Bradif.

Roger Hamo's son gives 20 s. to have seisin of the land which was his father's and to have an inquest of twelve as to a certain croft which Gilbert Bisuthe holds. Pledges, Gilbert Lamb, William John's son and Robert King.

Isabella Peter's widow is in mercy for a trespass which her son John had committed in the lord's wood. Fine, 18 d. Pledges, Gilbert Bisuthe and Richard Robin.

Richard Maleville is at his law[3] against the lord [to prove] that he did not take from the lord's servants goods taken in distress to the damage and dishonour of his lord

[1] A namesake of Pope Adrian IV. (ob. 1159), who seems to have been a native of Abbot's Langley.

[2] Probably the assize of beer.

[3] He has waged his law, has found sureties that he will clear himself with compurgators.

dedecus xx. sol. Plegii Gilebertus Bisuthe et Ricardus Hubert.

Hugo de Arbore in misericordia pro averiis suis captis in gardino domini. Plegii Walterus de la Hulle et Willelmus Slipere. finis vj. d.

Xij. juratores dicunt quod Hugo de Cruce habet jus in fossato et haya unde contencio fuit inter ipsum et Willelmum Album. Ideo teneat in pace, et dictus Willelmus distringatur pro pluribus transgressionibus. (Postea fecit finem xij. d.) Dicunt eciam quod haya que est inter relictam Druet et Willelmum Slipere debet quamdiu fossatum se extendit dividi per medium fossatum, ita quod cresta fossati est divisa inter eos eo quod ea cresta erecta fuit super antiquam divisam.

. . . gus [1] filius Rogeri Clerici dat xx. sol. pro habenda saisina terre que fuit patris sui. Plegii Gilebertus . . . et Hugo de Cruce.

. . . j. mar. pro habenda saisina terre que fuit matris sue ultra nemus. Plegii Willelmus . . . Robertus Marleward.

[2] PLACITA MANERIORUM BECCENSIUM DE TERMINO S. MARTINI ANNO GRACIE M^{mo}. CC^{o}. XL° SEPTIMO.

Ockeborn'. Die Lune proxima ante festum S. Mathei Apostoli.

Atachiamenta hominum domini Willelmi Longesp' ponuntur in respectu usque ad proximam curiam sub eadem plevina, et Heiwardus habet penes se particulas et nomina plegiorum.

[3] * * * * * * *

Atachiamenta hominum domini Sampsonis Foliot in respectu.

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Rogerus Play*du*r in lege contra Nicholaum Crok quod
lex ipse non interfecit pavonem suam nec aliquis de suis.

[1] The roll is torn.

[2] King's Coll. Camb., C. 2. m. 1. A roll of four small membranes filed at the tops.

[3] Essoins omitted.

[to the extent of] 20 s. Pledges, Gilbert Bisuthe and Richard Hubert.

Hugh Tree in mercy for his beasts caught in the lord's garden. Pledges, Walter Hill and William Slipper. Fine, 6 d.

[The] twelve jurors say that Hugh Cross has right in the bank and hedge about which there was a dispute between him and William White. Therefore let him hold in peace and let William be distrained for his many trespasses. (Afterwards he made fine for 12 d.) They say also that the hedge which is between the Widow Druet and William Slipper so far as the bank extends should be divided along the middle of the bank, so that the crest of the bank should be the boundary between them, for the crest was thrown up along the ancient boundary.

. . . son of Roger Clerk gives 20 s. to have seisin of the land which was his father's. Pledges, Gilbert . . . and Hugh Cross.

. . . gives 13 s. 4 d. to have seisin of the land which was his mother's beyond the wood. Pledges, William . . . and Robert Marleward.

PLEAS OF THE MANORS OF THE ABBEY OF BEC FOR THE MARTINMAS TERM A. D. 1247.

Ogbourne [Wilts]. Monday next before the feast of S. Matthew.[1]

The attachments of the men of William Longsword are put in respite to the next court under the same suretyship as before and the Hayward has in his keeping the particulars and the names of the pledges.

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The attachments of the men of Sir Sampson Foliot are respited.

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Roger Pleader is at his law against Nicholas Croke [to prove] that neither he [Roger] nor his killed [Nicholas's]

[1] This feast is 21 September.

Plegii Ringerus et Jordanus. Postea fecit legem. Ideo quietus.

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Willelmus filius Eve in lege contra Ringerum quod non verberavit equam suam ad dampnum suum v. s. Plegii de lege Ricardus de Horiford et Ricardus de Lortimere.

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x. m. De duabus villatis ad tallagium Abbatis x. m.

Ricardus . . . in misericordia quia fuit in defectu ad precaries [1] autumpnales. fin. vj. d.

De Ricardo de Lortemere vj. d. pro eodem.

[2] * * * * * * *

De Henrico Preposito pro ovibus captis in warda facta et defectu cariagii iij. [sol.].

De tota villata *Minoris* Okeburne [exce]ptis septem quia non venerunt ad lavand' oves domini dim. m.

De Minore Okeburne pro defectu falcacionis dim. m.

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Waneting'. Die Mercurii proxima ante festum S. Mathei Apostoli.

xx. s. Henricus filius Aelene dat xx. sol. pro habenda saisina masuagii quod mater sua tenuit per licenciam ipsius Aelene. Plegii Henricus le Teler et Robertus le Baretor salvo herieto ipsius Aelene.

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lex Rogerus de Fraxino in lege contra Galfridum de Puteo quod non debet ei xvj. d. nec eos injuste ei detinuit a festo S. Petri Advincula proximo uno anno elapso usque nunc. Plegii de lege Willelmus Lovel et Henricus de Fraxino.

ij. s. Hugo filius Ade dat ij. s. de ingressu et ij. altilia de redditu annuo de die Invéncionis S. Crucis pro habenda

[1] *Sic.* [2] Twelve entries similar to the last are omitted.

peacock. Pledges, Ringer and Jordan. Afterwards he made his law and therefore is quit.

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William Eve's son is at his law against Ringer [to prove] that he did not beat his mare to his damage 5 s. Pledges for the law, Richard of Horiford and Richard of Lortemere.

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From the two townships [of Great and Little Ogbourne] for the Abbot's tallage, 10 marks.

Richard . . . in mercy for making default at the autumn boon-works. Fine, 6 d.

From Richard of Lortemere for the same, 6 d.

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From Henry Reeve for his sheep caught where ward was made [1] and for default in carrying service, 3 s.

From the whole township of Little Ogbourne, except seven, for not coming to wash the lord's sheep, 6 s. 8 d.

From Little Ogbourne for default in reaping, 6 s. 8 d.

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Wantage [Berks]. Wednesday next before the feast of S. Matthew.

Henry Ailene's son by leave of the said Ailene gives 20 s. to have seisin of the messuage which his mother held. Pledges, Henry Teler and Robert Baretor. The right to Ailene's heriot is saved.

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Roger Ash is at his law against Geoffrey Atwell [to prove] that he does not owe him 16 d. nor has unjustly detained the same from him until now from the feast of S. Peter at Chains [2] in the year before this. Pledges for his law, William Lovel and Henry Ash.

Hugh Adam's son gives 2 s. as entry-money and two capons as annual rent from the Invention of the Holy

[1] When the season comes for keeping beasts off unenclosed land, this is done by keeping ward.

[2] 1 August.

licencia tenendi quandam particulam terre quam Cristiana relicta Petri de Cimiterio ei dimisit.

xl. s. Tota villata dat de tallagio Abbatis xl. s.

dim. m. Willelmus Iremangere dat dim. m. pro habenda saisina masuagii quod Willelmus le Prest tenuit et pro ducenda relicta ipsius Willelmi. Plegii Eurardus Biwestebrok et Hugo de Wika.

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[1] **Weddon'. In vigilia S. Michaelis.**

Ricardus le Boys de A*ut*eneston' juravit fidelitatem pro
iiii. s. terra que fuit patris sui et invenit plegios de quatuor sol. pro relevio suo scil. Willelmum Clericum de eadem, Godefridum Seniorem, et Rogerum Fabrum.

Elyas Deynte resignavit terram suam in plena curia et
v. s. Willelmus Deynte filius ejus fuit inde saisitus et juravit fidelitatem et invenit predictos plegios pro v. s. de relevio suo. Postea solvit.

vj. m. Tota villata dat de tallagio Abbatis vj. mar.

Villata presentat quod malecredunt Robertus Dochy et Willelmum Tale eo quod fecerunt finem cum militibus coram justiciariis quum rettati fuerunt de latrocinio.

Fractores assise, Willelmus Parys, Ricardus Cappe, Matillis relicta Roberti Cartere, Walterus Cartere, Rogerus Faber, Ricardus filius Widonis, Willelmus Grene, Gilebertus filius Vicarii, Wido Lauman.

Willelmus Grene et Wydo Lauueman habent gallonas insufficientes.

Johannes le Mercer dabit iij. gallinas annuatim ad festum S. Martini pro habenda advocacione domini, et recipitur in thedinga.

[1] All the entries found under this heading are here copied.

Cross [1] for licence to hold a certain parcel of land which Cristina widow of Peter Churchyard demised to him.

The whole township gives for the Abbot's tallage 40 s.

William Iremonger gives 6 s. 8 d. that he may have seisin of the messuage which William Priest held and that he may marry the widow of the said William. Pledges, Everard Biwestbrook and Hugh of Wick.

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Weedon Beck [Northamptonshire]. Vigil of S. Michael.

Richard le Boys of Aldeston has sworn fealty for the land which was his father's and has found pledges for 4 s. as his relief, to wit, William Clerk of the same place, Godfrey Elder and Roger Smith.

Elias Deynte in full court resigned his land and William Deynte his son was put in seisin of it and swore fealty and found the same pledges for 5 s. as his relief. Afterwards he paid.

The whole township gives for the Abbot's tallage 6 marks.

The township presents that they suspect Robert Dochy and William Tale because they made fine with the knights, [who formed the jury,] before the justices [in eyre] when they were accused of larceny.

Breakers of the assize [2]: William Paris, Richard Cappe, Maud widow of Robert Carter, Walter Carter, Roger Smith, Richard Guy's son, William Green, Gilbert Vicar's son, Guy Lawman.

William Green and Guy Lawman have gallons which are too small.

John Mercer will give three chicken yearly at Martinmas for having the lord's patronage and he is received into a tithing.[3]

[1] 3 May.

[2] Probably the assize of beer.

[3] Such an entry may remind us of the personal commendation, 'the lord-seeking,' of earlier times.

Wrotham. Die Veneris proxima post festum S. Michaelis.

v. sol. Gillebertus filius Ricardi dat v. s. pro habenda licencia
ducendi uxorem. Plegius Seeman. Terminus Purif'.

Mulieres subscripte violate fuerunt et ideo debent
leyrwite Botild filia Aluredi (fin. vj. d.), Margareta filia
Stephani (fin. xij. d., plegius Gilebertus filius Ricardi), Agnes
xviij. d. filia Seemanni (fin. xij. d., plegius idem Seeman), Agnes
xviij d. filia Jori (fin. vj. d., plegius Galfridus Frankelayn), Magotta
vj. d. filia Edithe (fin. vj. d.).

iij. m. De villata ad tallagium Abbatis iij. marc.

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Blakeham. Die Martis proxima post S. Fidis festum.

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Nicholaus filius Sacerdotis (fin. xij. d.) et Robertus de Mogedon' (fin. xij. d.) in misericordia quia contradixerunt tallagium quod positum fuit super eos per vicinos suos.

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[1] **Totting'. Die Martis proxima post festum S. Dionisii.**

j. m. dim. Tota villata dat de tallagio Abbatis ij. m. dim.

Willelmus Jordan in misericordia quia male aravit
vj. d. terram domini. Plegius Arthurus. fin. vj. d.

vj. d. Jon Bercarius in misericordia quia preocupavit super
divisam juxta terram suam. Plegius Walterus Prepositus.
fin. vj. d.

Lucia Ruffa in misericordia pro averiis suis captis in pastura domini in warda facta. Plegius Hamon de Hagheldon'. (In respectu.)

vj. d. Elyas de Stretham in misericordia pro defectu servicii
in autumpno. fin. vj. d.

Bartholomeus Chaloner qui fuit in lege contra Reginaldum filium Sueyn defecit in lege. Ideo in misericordia et satisfaciat predicto Reginaldo de dampno et pudore suo scil.

[1] All the entries found under this head are here copied.

Wretham [Norfolk]. Friday after the feast of S. Michael.

Gilbert Richard's son gives 5 s. for licence to marry a wife. Pledge, Seaman. Term [for payment,] the Purification.

The following women have been violated and therefore must pay the leyerwite, Botild Alfred's daughter (fine, 6 d.), Margaret Stephen's daughter (fine 12 d., pledge Gilbert Richard's son), Agnes Seaman's daughter (fine 12 d., pledge the said Seaman), Agnes Jor's daughter (fine 6 d., pledge Geoffrey Franklain), Magot Edith's daughter (fine, 6 d.).

From the township for the Abbot's tallage, 3 marks.

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Blakenham [Suffolk]. Tuesday after the feast of S. Faith.[1]

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Nicholas Priest's son (fine, 12 d.) and Robert of Mogdon (fine, 12 d.) are in mercy for they refused to pay the tallage which was set upon them by their neighbours.

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Tooting [Surrey]. Tuesday after the feast of S. Denis.[2]

The whole township gives 2½ marks for the Abbot's tallage.

William Jordan in mercy for bad ploughing on the lord's land. Pledge, Arthur. Fine, 6 d.

John Shepherd in mercy for encroaching beyond the boundary of his land. Pledge, Walter Reeve. Fine, 6 d.

Lucy Rede in mercy for beasts of hers caught in the lord's pasture when ward had been made. Pledge, Hamo of Hageldon. (Amercement respited.)

Elias of Streatham in mercy for default of service in the autumn. Fine, 6 d.

Bartholomew Chaloner who was at his law against Reginald Swain's son has made default in his law. Therefore he is in mercy and let him make satisfaction to Reginald

[1] S. Faith is 6 Oct. [2] S. Denis is 9 Oct.

vj. s. Plegii Willelmus Sutor et Willelmus Spendeloue. fin. vj. gallon'.

dim. m. Radulfus de Morevilla dat dim. marc. per plevinam Jordani de Stretham et Willelmi Spendeloue pro habenda jurata ad inquirendum utrum propinquior heres sit terre quam Willelmus de Morevilla tenet. Et xij. juratores veniunt et dicunt quod nullum jus habet in predicta terra immo Willelmus Scot majus jus habet in eadem terra quam j. m. aliquis alius. Et predictus Willelmus dat j. marc. per plevinam Hamonis de Hageldon' et Willelmi de Morevilla et Reginaldi Sueyn et Ricardi Leaware pro habenda saisina predicte terre post mortem predicti Willelmi de Morevilla si forte supervixerit eum.

Postea venit predictus Willelmus Scot et quietum clamavit totum jus quod habuit in predicta terra cum pertinenciis cuidam Willelmo filio Willelmi de Morevilla per xx. sol. licenciam domini, et idem Willelmus dat xx. sol. pro habenda saisina ejusdem terre, et saisitus est inde, et juravit fidelitatem. Walterus serviens recipiat plegios.

[1] Deurel. Die Sabbati proxima post festum S. Leonardi.

Willelmus Molendinarius in lege quod non fuit plegius Willelmi Scut de Hulle de ovibus suis captis in pastura augnorum. Plegii de lege Willelmus Porcarius et Thomas Guner.

Arnoldus Faber in misericordia quia non habuit predictum Willelmum Scut quem plegiavit.

Persona ecclesie in misericordia pro vacca sua capta in prato domini. Plegii Thomas Guner et Willelmus Coke.

ij. marc. Villata dat de tallagio Abbatis ij. marc.

De Willelmo Cobbe, Willelmo Coke et Waltero Doggeskin ij. sol. ij. sol. pro warda vij. porcorum Roberti Gentil et pro dampno quod fecerunt in blado domini.

vj. den. De Martino Bercario vj. den. pro plaga quam fecit Pekinno.

[1] All the entries found under this heading are here copied.

for his damage and dishonour with 6 s. Pledges, William Cobbler and William Spendlove. Fine, 6 gallons.

Ralph of Morville gives a half-mark on the security of Jordan of Streatham and William Spendlove to have a jury to inquire whether he be the next heir to the land which William of Morville holds. And [the] twelve jurors come and say that he has no right in the said land but that William Scot has greater right in the said land than any one else. And the said William [Scot [1]] gives 1 mark on the security of Hamo of Hageldon, William of Morville, Reginald Swain and Richard Leaware that he may have seisin of the said land after the death of William of Morville in case he [William Scot] shall survive him [William of Morville].

Afterwards came the said William Scot and by the lord's leave quit-claimed all the right that he had in the said land with its appurtenances to a certain William son of William of Morville, who gives 20 s. to have seisin of the said land and is put in seisin of it and has sworn fealty. Walter the serjeant is to receive the pledges.

Deverill [Wilts]. Saturday after the feast of S. Leonard.[2]

William Miller is at his law [to prove] that he was not the pledge of William Scut of Hull whose sheep were caught in the lambs' pasture. Pledges for his law, William Swineherd and Thomas Guner.

Arnold Smith is in mercy for not producing the said William Scut whose pledge he was.

The parson of the church is in mercy for his cow caught in the lord's meadow. Pledges, Thomas Guner and William Coke.

The township gives 2 marks for the Abbot's tallage.

From William Cobbe, William Coke and Walter Dogskin 2 s. for the ward [3] of seven pigs belonging to Robert Gentil and for the damage that they did in the lord's corn.

From Martin Shepherd 6 d. for the wound that he gave Pekin.

[1] Or is it William of Morville the younger?

[2] S. Leonard is 6 Nov.

[3] Probably they are amerced for neglecting the duty of guarding the lord's crops.

[1] Pouinton. Die Lune proxima post festum Lucie Virginis.

Galfridus de Lutteton' versus Isabellam relictam Stephani de pl' leg' vad' per Radulfum Quechepuke.

ij. mar. dim. Tota villata dat de tallagio Abbatis ij. marc. dim.

Gonilda de la Pole et Johannes filius ejus in misericordia pro injuria illata Alicie la Webbe et matri ejus. Plegius
vj. d. Willelmus de Witeway. fin. vj. d.

Risselep'. Die Martis proxima post festum Purificacionis B. Virginis.

[2] * * * * * * *

Robertus Coc in misericordia pro bosco domini. Plegius
vj. d. Willelmus Baldewyn'. fin. vj. d.

Johannes Brasdefer in misericordia pro eodem. Plegii
vj. d. Willelmus Coc et Arthurus le Gardinir. fin. vj. d.

ij. sol. Ricardus Malevill' dat ij. sol. pro licencia concordandi cum Willelmo de Pinnore de placito transgressionis. Plegii Robertus Maureward' et Willelmus de Felda.

Robertus le King in misericordia pro bosco domini. Plegii Ricardus Malevill' et Robertus Maureward. fin.
xij. d. xij. d.

Ricardus Brun in misericordia pro eodem. Plegii
xij. d. Willelmus Slipere et Gilebertus Lamb'. fin. xij. d.

Alwynus Bithewod' in misericordia pro eodem. Plegii
vj. d. Willelmus Baldewyn' et Willelmus Coc. fin. vj. d.

Ragenilda de Becco dat ij. sol. quia nupsit sine licencia. Plegius Willelmus de Pinnore. Eadem Ragenilda petit quoddam masuagium versus Rogerum de Lofta et Julianam uxorem ejus quod fuit Roberti le Beck', et conceditur ei jurata xij. legalium hominum per predictum finem et si
v. sol. recuperet seisinam dabit per totum v. sol. Et electi sunt xij. juratores scil. Johannes de Hulla, Willelmus Maureward', Robertus in Hale, Walterus le But, Walterus Sigar, Willelmus

[1] All the entries found under this heading are copied.
[2] Essoins omitted.

Povington [Dorset]. Monday after the feast of S. Lucy.[1]

Geoffrey of Lutton [essoins himself] by Ralph Quechepuke against Isabella Stephen's widow in a plea in which he had waged his law.

The whole township gives 2½ marks for the Abbot's tallage.

Gonild de la Pole and John her son are in mercy for an injury done to Alice Webbe and her mother. Pledge, William of Whiteway. Fine, 6 d.

Ruislip [Middlesex]. Tuesday after the Purification of the Blessed Virgin.[2]

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Robert Coke in mercy for the lord's wood. Pledge, William Baldwin. Fine, 6 d.

John Brasdefer in mercy for the same. Pledges, William Coke and Arthur Gardener. Fine, 6 d.

Richard Maleville gives 2 s. for licence to compromise with William of Pinner in a plea of trespass. Pledges, Robert Maureward and William Field.

Robert King in mercy for the lord's wood. Pledge, Richard Maleville and Robert Maureward. Fine, 12 d.

Richard Brown in mercy for the same. Pledges, William Slipper and Gilbert Lamb. Fine, 12 d.

Ailwin Bithewood in mercy for the same. Pledges, William Baldwin and William Cook. Fine, 6 d.

Ragenilda of Bec gives 2 s. for having married without licence. Pledge, William of Pinner. The same Ragenilda demands against Roger Loft and Juliana his wife a certain messuage which belonged to Robert le Beck, and a jury of twelve lawful men is granted her in consideration of the said fine, and if she recovers seisin she will give in all 5 s. And twelve jurors are elected, to wit, John of Hulle, William Maureward, Robert Hale, Walter But, Walter Sigar, William

[1] S. Lucy is 13 Dec.

[2] The Purification is 2 February. It would seem that we here pass from 1247 to 1248.

Brihtwyne, Ricardus Horseman, Ricardus Leofred', Willelmus filius Johannis, Hugo de Cruce, Ricardus Pontfreyit et Robertus le Croyser, Johannes Bisuth' et Gilebertus Bisuth' qui juraverunt. Et dicunt quod predicta Ragenild majus jus habet. Ideo habeat saisinam.

Willelmus le But in misericordia pro porcis suis captis in dampno domini. Plegii Robertus Maureward' et Walterus
vj. d. filius Messoris. fin. vj. d.

Alvena Lefred' in lege vj. manu contra Isabellam de Haes quod non abstulit ei quoddam cultellum die Veneris proxima post Nativitatem S. Johannis Baptiste proximo preteritam ad dampnum suum et dedecus iij. sol. Plegii de lege Willelmus le Blund' et Willelmus Bercarius. Postea concordate sunt per licenciam ita quod predicta Alvena
vj. d. vadiavit misericordiam per predictos plegios. fin. vj. d.

[1] * * * * * * *

Isabella Jo*n*ant petit quoddam masuagium cum crofta quod Arthurus Gardiner tenet, et dat xij. d. pro habend'
ij. s. jur' [2] predictorum xij., et si recuperet dabit ij. sol. Plegii Robertus de Fonte et Johannes Gery. Et xij. juratores suprascripti veniunt et dicunt quod predicta Isabella majus us habet.

Risselep'. Die Sabbati proxima post Purificacionem B. Virginis.

[3] * * * * * *

Ricardus le Gest dat xij. d. et si recuperet dabit ij. s. pro habenda jurata xij. legalium hominum utrum majus jus habeat in quadam forera apud Estcotte quam Ragenild relicta Willelmi Andr' tenet an ipsa Ragenild. Plegii de fine Johannes del Brok et Ricardus de Pinnore. Et predicta Ragenild venit et dicit quod non potest terram illam deducere in judicium eo quod nichil habet in eadem nisi

[1] Names of defaulting suitors are here omitted.

[2] *Jurata* or *juramento.*

[3] Essoins omitted ; all other proceedings are copied.

Brihtwin, Richard Horseman, Richard Leofred, William John's son, Hugh Cross, Richard Pontfret and Robert Croyser, John Bisuthe and Gilbert Bisuthe [1] who are sworn. And they say that the said Ragenilda has the greater right. Therefore let her have seisin.

William But in mercy for his pigs caught doing damage to the lord. Pledges, Robert Maureward and Walter Reaper's son. Fine, 6 d.

Alvena Leofred is at her law six-handed against Isabella of Hayes [to prove] that she did not take from her a certain knife on the Friday after Midsummer day last past, to her damage and dishonour 3 s. Pledges for her law, William Blund and William Shepherd. Afterwards they compromise by leave of the court so that Alvena engages to pay an amercement (fixed at 6 d.), on the security of the said two pledges.

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Isabella Jonant demands a certain messuage with a croft which Arthur Gardener holds and gives 12 d. to have a jury of the said twelve men, and if she recovers she will give 2 s. Pledges, Robert Fountain and John Gery. And the twelve jurors mentioned above come and say that the said Isabella has the greater right.

Ruislip [Middlesex]. Saturday after the Purification of the Blessed Virgin.[2]

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Richard Guest gives 12 d. and if he recovers will give 2 s. to have a jury of twelve lawful men as to whether he has the greater right in a certain headland at Eastcot which Ragenilda widow of William Andrews holds, or the said Ragenilda. Pledges for the fine, John Brook and Richard of Pinner. And the said Ragenilda comes and says that she has no power to bring that land into judgment [3] because she has no right in it save by reason of the ward-

[1] There are fourteen names; the two last seem to have been added to an original list of twelve.

[2] The court seems to have been adjourned from Tuesday to Saturday.

[3] She cannot, that is, act in litigation as tenant of the land.

racione custodie filii et heredis viri sui qui est infra etatem. Et Ricardus non potest hoc dedicere. Ideo expectet etatem.

xij. d. Agnes de la Strette dat xij. d. pro licencia concordandi cum Alicia de la Strette. Plegii Arthurus Porcarius et Cristianus Leured.

Walterus de la Hulle dat j. marc. pro habenda licencia j. m. manendi super terram Prioris de Hermodesworth' quamdiu vixerit ita tamen quod invenit plegios scil. Willelmum Slipere, Johannem Bisuthe, Gillebertum Bisuthe, Hugonem de Arbore, Willelmum filium Johannis, Johannem de la Hulle qui manucapiunt quod predictus Walterus faciet domino omnia servicia et consuetudines que faceret ei si maneret super terram suam et quod herietum suum salvum erit domino si forte ibi moriatur.

Willelmus Albus dat dim. marc. pro habenda saisina dim. m. terre que fuit Ricardi patris sui. Plegii Arthurus Porcarius et Ricardus de Pinnore.

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Weddon'. Die Veneris proxima ante Nativitatem S. Johannis Baptiste.

[1] * * * * * * *

Curia presentavit quod Willelmus filius Noes nativus domini est et fugitivus et manet apud Doddeford. Ideo petendus. Dicunt eciam quod Willelmus Askil, Johannes Persone et Godefridus Grene furtive asportaverunt quatuor aucas de villa de Horepol.

Johannes Witrich' in misericordia pro pullo suo capto in blado domini. Plegii Wido Loue et Simon Winebold.

Xij. juratores veniunt et dicunt quod Guner Lutting nullum jus habet in dimidia virgata terre quam Ricardus Oppmel tenet. Ideo predictus Ricardus inde sine die et Gunerus solvat ij. s. de fine quem fecit pro jurata habenda per plevinam Simonis Champiun et Thome Askil.

[1] Essoins omitted.

ship of the son and heir of her husband, who is under age. And Richard is not able to deny this. Therefore let him await [the heir's] full age.

Agnes Street gives 12 d. for leave to compromise with Alice Street. Pledges, Arthur Swineherd and Christian Leofred.

Walter Hulle gives 13 s. 4 d. for licence to dwell on the land of the Prior of Harmondsworth [1] so long as he shall live and as a condition finds pledges, to wit, William Slipper, John Bisuthe, Gilbert Bisuthe, Hugh Tree, William John's son, John Hulle, who undertake that the said Walter shall do to the lord all the services and customs which he would do if he dwelt on the lord's land and that his heriot shall be secured to the lord in case he dies there [i.e. at Harmondsworth].

William White gives 6 s. 8 d. to have seisin of the land which was that of Richard his father. Pledges, Arthur Swineherd and Richard of Pinner.

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Weedon Beck [Northamptonshire]. Friday before the Nativity of S. John Baptist.

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The court presented that William Noah's son is the born bondman of the lord and a fugitive and dwells at Dodford.[2] Therefore he must be sought. They say also that William Askil, John Parsons and Godfrey Green have furtively carried off four geese from the vill of Horepoll.

John Witrich is in mercy for his foal caught in the lord's corn. Pledges, Guy Love and Simon Winbold.

[The] twelve jurors come and say that Guner Lutting has no right in a half-virgate of land which Richard Oppmel holds. Therefore let the said Richard go thence without day and let Guner pay the fine of 2 s. which he promised for having a jury on the security of Simon Champion and Thomas Askil.

[1] Harmondsworth is about seven miles from Ruislip. The priory there was a cell to the Abbey of S. Trinity at Rouen; Monast. vi. 1057.

[2] Dodford is but two or three miles from Weedon.

Weddon'. Die B. Petri ad Vincula.

[1] * * * * * * *

Johannes filius Henrici dat iij. s. et si recuperet dabit iij. marc. pro habenda jur' xij. ad inquirendum utrum majus jus habeat in medietate unius virgate terre cum pertinenciis in Wedon' quam medietatem clamat versus Radulfum Winebaud et Julianam uxorem suam qui medietatem inde tenent et versus Galfridum Winebaud qui alteram medietatem inde tenet an predicti Radulfus Juliana et Galfridus. Et electi sunt xij. juratores scil. Willelmus Grene Letard, Walterus de la Grene, Johannes Richeman, David King, Galfridus Tonstal, Aylewinus Crispus, Johannes Tailloor, Ricardus filius Widonis, Wido Caretarius, Guner Bissop, Simon filius Prepositi, Robertus Brokhole, Johannes Cade, Johannes Bernard, et Willelmus Brother. Qui jur' veniunt et dicunt quod predictus Johannes nullum jus habet in predicta terra. Et ideo consideratum est quod predicti
iij. s. tenentes inde sine die et predictus Johannes solvat iij. sol. per plevinam Godefridi Franceys et Godefridi le Tailloor.

Galfridus Suweyn petit medietatem unius virgate terre quam Johannes Crispus et Alina del Hel tenent, et dat ij. sol. pro habenda jurata, et si recuperet dabit xx. sol. Et predicti juratores veniunt et dicunt *super* sacramentum suum quod predictus Galfridus nullum jus habet in predicta terra.
ij. s. Ideo predicti tenentes inde sine die et predictus Galfridus solvat ij. sol. Plegii *Hugo* Bussel et Godefridus Franceys.

Juliana filia Sair petit medietatem unius masuagii cum crofta quod masuagium Willelmus Snel et Goda uxor ejus soror predicte Juliane tenent ut jus suum. Et concordati sunt per licenciam ita quod predicti Willelmus et Goda dant predicte Juliane unum horreum et unum curtillagium propinquius la Grene et duos seillones in predicta crofta ex parte occidentis. Et predictus Willelmus posuit se in
{mīa} xij. d. misericordia. fin. iij. den.

Hugo de Stanbrig queritur de Gileberto filio Vicarii et

[1] Essoins omitted.

Weedon Beck [Northamptonshire]. Day of S. Peter at Chains.[1]

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John Henry's son gives 3 s. and if he recovers will give 3 marks for having a jury of twelve to inquire whether he has the greater right in a moiety of a virgate of land with the appurtenances in Weedon (which moiety he claims against Ralph Winbold and Juliana his wife who hold a half part thereof, and against Geoffrey Winbold who holds the other half part thereof), or the said Ralph, Juliana and Geoffrey. And twelve[2] jurors are elected, to wit, William Grene the slow, Walter of the Green, John Richman, David King, Geoffrey Tonstal, Ailwin Crisp, John Tailor, Richard Guy's son, Guy Carter, Guner Bishop, Simon Reeve's son, Robert Brockhole, John Cade, John Bernard and William Brother. Who being sworn come and say that the said John has no right in the said land. Thorefore it is considered that the said tenants do go thence without day and that the said John do pay 3 s., for which Godfrey Francis and Godfrey Taylor are pledges.

Geoffrey Sweyn demands the moiety of one virgate of land which John Crisp and Alina Hele hold, and he gives 2 s. to have a jury, and if he recovers will give 20 s. And the said jurors come and say upon their oath that the said Geoffrey has no right in the said land. Therefore let the said tenants go thence without day and let the said Geoffrey pay 2 s. Pledges, Hugh Bussel and Godfrey Francis.

Juliana Saer's daughter demands as her right the moiety of one messuage with a croft, which messuage William Snell and Goda his wife, sister of the said Juliana hold. And they have made accord by leave [of the court] to the effect that the said William and Goda give to the said Juliana a barn and the curtilage nearest the Green and two selions in the western part of the said croft. And the said William put himself in mercy. Fine, 12 d.

Hugh of Stanbridge complains of Gilbert Vicar's son

[1] 1 Aug.

[2] There are fifteen names.

Willelmo de Stanbrig' quod uxor predicti Gileberti que est de manupastu suo et predictus Willelmus injuste etc. ipsum verberaverunt et enormiter percusserunt et per capillos a domo sua proxima [1] extraxerunt ad dampnum suum xl. sol. et dedecus xx. sol. et producit sectam. Et Gillebertus et Willelmus veniunt et defendunt plenarie. Ideo uterque ad
{leges} legem vj. manu. Postea concordati sunt hoc modo quod [2] si predictus Hugo decetero versus predictos in aliquo deliquerit et inde convincatur dabit domino dim. marc. nomine pene et satisfaciet aliis per consideracionem vj. legalium hominum, et eodem modo facient alii versus eum. Et
iij. s. Hugo posuit se in misericordiam. fin. iij. s. Plegii Johannes le Tailloor et Walterus Brother.

Fractores assise Willelmus Idel (vj. d), Matillis relicta
xij. d. Caretarii (vj. d.), Walterus Caretarius.

Johannes Witrich' in misericordia pro spinis asportatis.
vj d. fin. vj. d.

ij. s. Robertus Dochi in misericordia (fin. ij. s.) pro pluribus transgressionibus. Plegii Gilebertus filius Sacerdotis, Radulfus Winebaud et Walterus de la Grene.

Ailewinus Crispus in misericordia pro vaca [3] sua capta
xij. d. in warda facta in pastura domini. fin. xij. d.

Johannes Bernard in misericordia pro averiis suis captis
ij. s. in prato domini de nocte. fin. ij. s.

Ricardus Love dat xij. d. pro habenda jurata xij. de una roda terre quam Robertus de Brokhole et Juliana uxor ejus tenent. In respectum usque ad proximam curiam sine ulteriore dilacione. Postea veniunt xij. juratores et dicunt super sacramentum suum quod predictus Ricardus majus jus habet in predicta terra. Ideo habeat saisinam.

[1] Corr. *propria*. [2] *quod* repeated. [3] *Sic*.

and William of Stanbridge that the wife of the said Gilbert who is of [Gilbert's] mainpast and the said William unjustly etc. beat and unlawfully struck him and dragged him by his hair out of his own proper house, to his damage 40 s. and to his dishonour 20 s., and [of this] he produces suit. And Gilbert and William come and defend all of it fully. Therefore let each of them go to his law six-handed. Afterwards they make accord to this effect that in case the said Hugh shall hereafter in any manner offend against [Gilbert and William] and thereof shall be convicted he will give the lord 6 s. 8 d. by way of penalty and will make amends to [Gilbert and William] according to the judgment of six lawful men, and the others on their part will do the like by him. And Hugh put himself in mercy. Fine, 3 s. Pledges, John Tailor and Walter Brother.

Breakers of the assize [of beer :] William Idle (fined 6 d.), Maud Carter's widow (6 d.), Walter Carter.

John Witriche in mercy for carrying off thorns. Fine, 6 d.

Robert Dochi in mercy (fine, 2 d.) for divers trespasses. Pledges, Gilbert Priest's son, Ralph Winbold and Walter Green.

Ailwin Crisp in mercy for his cow caught in the lord's pasture when ward had been made.[1] Fine, 12 d.

John Bernard in mercy for his beasts caught by night in the lord's meadow. Fine, 2 s.

Richard Love gives 12 d. to have a jury of twelve touching a rod of land which Robert of Brockhole and Juliana his wife hold. This action is respited to the next court [when the jurors are to come] without further delay. Afterwards the jurors come and say upon their oath that the said Richard has the greater right in the said land. Therefore let him have seisin.

[1] As to the making of ward, see above, p. 10, note 1.

[1] PLACITA MANERIORUM BECCENSIUM ANNO DOMINI M^{MO} CC^{MO} XL° NONO.

Ockeburn.' Die Jovis in ebdomada Pentecostes.

vj. d. Willelmus Blakeberd' in misericordia quia non venit cum lege sua sicut debuit. Plegii Galfridus de Wyka et Galfridus Payn. fin. vj. d.

ij. s. Presentatum fuit quod Stephanus Pastor de nocte percussit sororem suam cum quodam cultello et eam enormiter *vulneravit*. Ideo committatur prisone. Postea fecit finem ij. s. Plegius Galfridus de Wika.

ij. s. Presentatum fuit quod Robertus filius Cartitar' de nocte invasit Petrum le Borgeys et ad hostium suum jactavit lapides in felonia ita quod predictus Petrus levavit hutesium. Ideo committatur predictus Robertus prisone. Postea fecit finem ij. s.

ij. s. Nicholaus Drye, Henricus le Notte (fin. xij. d.) et Thomas de Hoga (fin. xij. d.) convicti fuerunt quod de nocte invaserunt domum domini Thome Capellani et unum hominem et unam mulierem ibidem hospitatos vi ejecerunt. Ideo in misericordia. Plegii predicti Thome Ricardus de Lortemere et Jordanus de Parys. Item plegii predicti Henrici, Ricardus Pen . . .[2] et Ricardus Butry.

xij. d. Adam Moyses dat dimidiam sextariam vini pro habenda inquisicione utrum Henricus Ayulf imposuit ei crimen latrocinii et dixit opprobria et verba contumeliosa. Postea concordati sunt, et Henricus vadiat misericordiam. fin. xij. d.

[3] * * * * * * *

Isabella Sywardi in misericordia quia vendidit Ricardo Bodenham terram quam ei warantizare non potuit.

Omnes carucarii Majoris Ockeburn convicti fuerunt per sacramentum xij. . . . . . .[4] domini male fuit arata

[1] King's Coll. Camb., C. 3. A damaged roll of three rotulets.
[2] A small hole.
[3] A list of those who have broken the assize—probably the assize of beer.
[4] The roll is damaged.

PLEAS OF THE MANORS OF THE ABBEY OF BEC. A.D. 1249.

Ogbourne [Wiltshire]. Thursday in Whitsun week.

William Blackbeard in mercy for not coming with his law as he was bound to do. Pledges, Geoffrey of Wick and Geoffrey Payn. Fine, 6 d.

It was presented that Stephen Shepherd by night struck his sister with a knife and grievously wounded her. Therefore let him be committed to prison. Afterwards he made fine with 2 s. Pledge, Geoffrey of Wick.

It was presented that Robert Carter's son by night invaded the house of Peter Burgess and in felony threw stones at his door so that the said Peter raised the hue. Therefore let the said Robert be committed to prison. Afterwards he made fine with 2 s.

Nicholas Drye, Henry le Notte (fine, 12 d.) and Thomas Hogue (fine, 12 d.) were convicted for that they by night invaded the house of Sir Thomas the Chaplain and forcibly expelled thence a man and woman who had been taken in there as guests. Therefore they are in mercy. Pledges of the said Thomas, Richard of Lortemere and Jordan of Paris. Pledges of the said Henry, Richard Pen . . . and Richard Butry.

Adam Moses gives half a sextary of wine to have an inquest as to whether Henry Ayulf accused him of the crime of larceny and used opprobrious and contumelious words of him. Afterwards they made accord and Henry finds security for an amercement. Fine, 12 d.

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Isabella Sywards in mercy for having sold to Richard Bodenham land that she could not warrant him.

All the ploughmen of great Ogbourne are convicted by the oath of twelve men . . . . . . because by reason of

per defectum eorum unde dominus dampnum habet ad
ix. sol. valenciam ix. sol. . . . . . . donec eos solverint. Et Walterus Messor in misericordia quia predictam araturam
j. marc. concelavit. (Postea fecit finem cum domino scil. j. marc.)

dim. marc. De Radulfo Joce dim. marc. pro filio suo eo quod bladum asportavit injuste a curia domini per plegium Galfridi Joce.

De Henrico Pink xij. d. de transgressione forstalli.

De Eva de la Cornere vj. d. pro transgressione porcorum.

De Radulfo de Scalario vj. d. pro marremio asportato.

De Willelmo Coopere xij. d. quia aravit cum caruca domini terram suam sine licencia.

De Hugone Novo xij. d. pro transgressione bosci.

De Ricardo Penant xij. d. pro eodem.

De Elena vidua minoris Okeb' vj. d. pro eodem.

De Nicholao Siward vj. d. pro falso clamore versus Willelmum Pafey.

De Willelmo Pafey xij. d. pro pugna facta cum eodem Nicholao.

De relicta Radulfi Bercarii vj. d. pro transgressione in Pencumbe.

[1] * * * * * * *

[2] Bleddel'. Die Veneris proxima post festum S. Petri ad Vincula.

[3] * * * * * * *

Ricardus le Blund dat dim. marc. et si recuperet dabit
ij. marc. dim. ij. marc. dim. pro habenda jurata {xij. legalium hominum} (tocius curie) ad inquirendum utrum majus jus habeat in una virgata terre quam Hugo de la Frith' habet in custodia *cum* Cristiana filia Simonis Albi an eadem Cristiana. Plegii de fine Ricardus de la Dene, Willelmus de la Hulle, Johannes de Senholte, Hugo Faber et Willelmus Kutelburn. Et tota curia dicit super sacramentum suum quod predictus

[1] The roll becomes ragged. [2] m. 1 d, [3] Essoins omitted.

their default [the land] of the lord was ill ploughed whereby the lord is damaged to the amount of 9 s. . . . . . . And Walter Reaper is in mercy for concealing [i.e. not giving information as to] the said bad ploughing. Afterwards he made fine with the lord with 1 mark.

From Ralph Joce 6 s. 8 d. for his son, because he [the son] unlawfully carried off corn from the lord's court. Pledge, Geoffrey Joce.

From Henry Pink 12 d. for a trespass by waylaying.[1]

From Eve Corner 6 d. for a trespass of her pigs.

From Ralph Scales 6 d. for timber carried off.

From William Cooper 12 d. for ploughing his own land with the lord's plough without licence.

From Hugh Newman 12 d. for trespass in the wood.

From Richard Penant 12 d. for the same.

From Helen widow of Little Ogbourne 6 d. for the same.

From Nicholas Siward 6 d. for a false complaint against William Pafey.

From William Pafey 12 d. for fighting with the said Nicholas.

From the widow of Ralph Shepherd 6 d. for a trespass in Pencombe.

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Bledlow [Bucks]. Friday after S. Peter at Chains.[2]

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Richard Blund gives a half-mark and if he recovers will give two marks and a half to have a jury of the whole court,[3] to inquire whether he has the greater right in a virgate of land which Hugh Frith holds in wardship with Cristiana daughter of Simon White, or the said Cristiana. Pledges for the fine, Richard Dene, William Hulle, John of Senholt, Hugh Smith, and William Ketelburn. And the whole court say upon their oath that the said Richard has

[1] This seems the meaning of *forsteal*. See Schmid, Gesetze, Glossar.

[2] This feast is 1 Aug.

[3] *of the whole court* substituted for *of twelve lawful men*.

Ricardus majus jus habet in predicta terra quam aliquis alius. Et ideo recuperet saisinam suam.

ij. marc. Petrus Coterel dat ij. marc. pro habenda saisina terre que fuit patris sui salva Roisie matri sue tercia parte ejusdem terre. Plegii Willelmus Ketelburn, Simon le Franceys, Willelmus Costard et Johannes de Senholt.

. . . molend' dat iiij. sol. pro transgressione cervisie et pro blado domini male custodito apud molendinum. Plegii Johannes Orped et Jocius Serviens.

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[1] Wedon'. Die Lune proxima post festum S. Leonardi.

j. marc. Simon Wynebaud dat j. marc. pro habenda saisina quarte partis unius virgate terre quam Galfridus frater ejus tenuit. Plegii Willelmus Askil et Radulfus Wynebaud.

xx. s. Agatha filia Roberti filii Matillidis dat xx. s. pro habenda saisina tercie partis illius virgate terre quam Johannes de Bledd' tenuit eo quod pertinet ad ipsam tanquam racionabilis pars sua. Plegii Hugo Bussel, Willelmus Askil et Gillebertus filius Sacerdotis.

Rogerus Faber queritur de Roberto de Brokehole de una acra terre quam predictus Rogerus conduxerat de Matillide filia predicti Roberti [2] ad terminum quatuor annorum et dicit quod predictus Robertus manucepit tenere ei terminum

ij. s. suum, et dat ij. s. pro habenda inquisicione.

Gillebertus filius Sacerdotis queritur de eodem Roberto

ij. s. de tribus acris terre eodem modo, et dat ij. sol. pro habenda inquisicione.

ij. s. Noes dat ij. sol. eodem modo pro inquisicione de una acra. Postea posuerunt se in arbitros qui consideraverunt quod predictus Robertus solvet predicto Rogero iij. sol. et predicto Gilleberto vj. sol. et predicto Noes vij. sol. et ad hoc invenit pleg'.

[3] * * * * * * *

[1] m. 2. [2] *Rogeri* corrected into *Roberti.*
[3] The roll becomes ragged.

greater right in the said land than anyone else. Therefore let him recover his seisin.

Peter Coterel gives two marks to have seisin of the land which was his father's, saving to Roise his mother a third part of the same land. Pledges, William Ketelburn, Simon Francis, William Costard and John of Senholt.

. . . Miller gives 2 d. for a trespass against the assize of beer and because the lord's corn has been ill kept at the mill. Pledges, John Orped and Joce Serjeant.

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Weedon Beck [Northamptonshire]. Monday after the feast of S. Leonard.[1]

Simon Wimbold gives 1 mark to have seisin of a fourth part of one virgate of land which Geoffrey his brother held. Pledges, William Askil and Ralph Wimbold.

Agatha daughter of Robert son of Maud gives 20 s. to have seisin of a third part of that virgate of land which John of Bledlow held, for that it belongs to her as her reasonable share. Pledges, Hugh Bussel, William Askil and Gilbert Priest's son.

Roger Smith complains of Robert of Brockhole about an acre of land which the said Roger had hired from Maud daughter of the said Robert for a term of four years and says that the said Robert undertook to guarantee him his said term,[2] and gives 2 s. to have an inquest.

Gilbert Priest's son complains of the said Robert in the same manner as to three acres of land and gives 2 s. to have an inquest.

Noah gives 2 s. in the same way for an inquest as to one acre. Afterwards they submit themselves to arbitrators, who adjudge that the said Robert shall pay 3 s. to the said Roger and 6 s. to the said Gilbert and 7 s. to the said Noah, and that he will do so [Robert] finds pledges.

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[1] S. Leonard is 6 Nov.

[2] Literally, to hold him his said term.

Coddefford'. In Vigilia S. Martini.

Radulfus le Bar in misericordia quia verberavit quendam hominem domini. Plegii Herbertus Ruffus et Radulfus Brunild.

dim. marc. De communi fine villáte dim. marc.

Johannes Boneffant invenit plegios scil. Willelmum Fabrum et Willelmum de Bleddel' quod non elongabit se a terra domini et quod promptus erit ad sum' domini.

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[2] [PLACITA MANERIORUM BECCENSIUM] ANNO REGNI REGIS EDWARDI TERCIO INCIPIENTE QUARTO.

Bledelawe. Curia tenta die Lune proxima ante festum S. Luce Evangeliste.

Hugo le Pee in misericordia quia concelavit j. bidentem
xij. d. per dimidium annum (xij. d.) Symon de Niwemer', Johannes de Schenholt plegii.

Willelmus Ketelburn pro pluribus transgressionibus in
xiij. s. iiij. d. misericordia (xiij. s. iiij. d.) Henricus Ketelburn plegius.

Hugo Dorewyn' pro pastura vj. d. Ricardus de la Hull'
ij. s. pro pluribus transgressionibus (xij. d.) Henricus Stanhard pro pastura (vj. d.).

Johannes de Cimiterio pro opere subtracto. Hugo
xij. d. Osmund pro pastura (vj. d.) Alicia relicta Andree (vj. d.).

Johannes Osiet pro transgressione in misericordia xij. d.
v. s. Gregorius Molendinarius pro transgressione (iiij. sol.) Robertus serviens plegius.

vj. d. Willelmus Derewyne pro transgressione (vj. d.) Willelmus Sperling plegius.

xij. d. Hugo de Aula dat domino (xij. d.) pro consideracione curie habenda de j. tenemento et ij. acris terre quas petit de jure ut dicit. Et quia dictum fuit quod dicta terra non fuit libera dicat curia. Et dicit curia quod tenementum et j. acra servilis condicionis sunt et j. acra libere. In respectu ad presentiam domini. Johannes Brian plegius.

[1] m. 2 d. All the entries under this heading are here printed.

[2] King's Coll. Camb., C. 6. The date occurs at the bottom of the roll.

Cottisford [Oxfordshire]. Vigil of S. Martin.[1]

Ralph Bar in mercy for having beaten one of the lord's men. Pledges, Herbert Rede and Ralph Brunild.

For the common fine of the township, a half-mark.

John Boneffant found pledges, to wit, William Smith and William of Bledlow, that he will not eloign himself from the lord's land and that he will be prompt to obey the lord's summons.

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PLEAS OF THE MANORS OF THE ABBEY OF BEC IN THE THIRD AND FOURTH YEARS OF EDWARD I. [A.D. 1275-6].

Bledlow [Northamptonshire]. Court holden on the Monday next before the feast of S. Luke.[2]

Hugh le Pee in mercy (fine, 12 d.) for concealing a sheep for half a year. Pledges, Simon of Newmere, John of Senholt.

William Ketelburn in mercy (fine, 13 s. 4d.) for divers trespasses. Pledge, Henry Ketelburn.

Hugh Derwin for pasture, 6 d. Richard Hulle for divers trespasses, 12 d. Henry Stanhard for pasture, 6 d.

John Churchyard for subtraction of work. Hugh Osmund for pasture, 6 d. Alice Andrew's widow, 6 d.

John Osiet in mercy for a trespass ; fine, 12 d. Gregory Miller for a trespass, 4 s. ; pledge, Robert Serjeant.

William Derwin for a trespass, 6 d. ; pledge, William Sperling.

Hugh Hall gives the lord 12 d. that he may have the judgment of the court as to a tenement and two acres of land, which he demands as of right, so he says. And it being asserted that the said land is not free[hold] let the court say its say. And the court says that the tenement and one of the two acres are of servile condition and that the other acre is of free condition. The case is reserved for the lord's presence. Pledge, John Brian.

[1] S. Martin is 11 Nov. [2] S. Luke is 18 Oct.

Johannes Palmerus seisitus est tenemento patris sui et
liij. s. iiij. d. dat domino de ingressu liij. s. iiij. d.

vj. s. viij. d. Willelmus Ketelburn dat domino vj. sol. viij. d. ut amoveatur ab officio prepositure. Robertus Serviens plegius.

Willelmus de la Fridh' pro opere subtracto (vj. d.), Johannes Raghenild pro eodem (vj. d.), Johannes de Sahen-
iij. s. holt' (xij. d.) Willelmus Ketelburn (xij. d.).

c. s. De communi fine c. sol. ad festum S. Andree Apostoli.

Ricardus de Hull' (vj. d.). Alanus de Buritrop (vj. d.). Relicta Fabri (vj. d.). Matillis Martin (vj. d.). Alicia Coterel (vj. d.). Robertus Molendinarius (vj. d.). Philippus
iij. vj. d. Chepman (vj. d.). Petronilla de Strata (vj. d.). Hugo Squier (xij. d.). Simon de Niwemere (vj. d.). Willelmus de
iij. s. vj. d. la Fridh' (vj. d.). Hugo Wyking (xij. d.).

Presentatum est per capit' decen' quod Godefridus Serviens fecit defaltam et quod Johannes le Pee levavit unum fossatum injuste iccirco emendetur.

Robertus Faber seisitus est tenemento patris sui et dat
iiij. lib. domino de ingressu iiij. lib. Robertus Serviens plegius.

xiij. s. iiij. d. Willelmus Ketelburn pro transgressione xiij. sol. iiij. d.

Summa xiiij. lib. iij. sol. viij. d.

Cotesford. Curia tenta die Martis proxima ante festum S. Luce Evangeliste.

vj. d. Radulfus de Croultham' in misericordia (vj. d.) pro transgressione. Willelmus filius Rogeri, Rogerus Faber.

Ricardus de la Forde seysitus est tenemento et terra quam tenuit Roberus Parmentar et dat domino de ingressu
x. s. x. sol. Wido, Rogerus Faber plegii.

xx. s. De communi fine vill' xx. s. ad festum S. Andree Apostoli.

John Palmer is put in seisin of his father's tenement and gives the lord 53 s. 4 d. as entry money.

William Ketelburn gives the lord 6 s. 8 d. that he may be removed from the office of reeve. Pledge, Robert Serjeant.

William Frith for subtraction of work, 6 d. John Reginald for the same, 6 d. John of Senholt, 12 d. William Ketelburn, 12 d.

For the common fine [1] to be paid on S. Andrew's day, 100 s.

Richard Hulle, 6 d. Alan of Burthorpe, 6 d. Smith's widow, 6 d. Maud Martin, 6 d. Alice Coterel, 6 d. Robert Miller, 6 d. Philip Chapman, 6 d. Peronel Street, 6 d. Hugh Squire, 12 d. Simon of Newmere, 6 d. William Frith, 6 d. Hugh Wiking, 12 d.[2]

It is presented by the chief pledges that Godfrey Serjeant has made default; also that John le Pee has unlawfully thrown up a bank; therefore let it be set to rights.

Robert Smith is put in seisin of his father's tenement and gives the lord £4 for entry money. Pledge, Robert Serjeant.

William Ketelburn for a trespass, 13 s. 4 d.

Total of monies due, £14. 3 s. 8 d.

Cottisford [Oxfordshire]. Court holden on the Tuesday next before the feast of S. Luke.[3]

Ralph of Croultham in mercy for a trespass; fine, 6 d. [Pledges] William Roger's son, Roger Smith.

Richard Ford is put in seisin of the tenement and land which Robert Parmenter held and gives the lord 10 s. for entry money. Pledges, Guy, Roger Smith.

For the general fine of the vill payable on S. Andrew's day, 20 s.

[1] The common fine seems to be the same thing as the Abbot's tallage of the earlier rolls.

[2] Probably these persons have broken the assize of beer.

[3] S. Luke is 18 Oct.

xx. s. Quidam ignotus dat domino xx. s. pro licencia contrahendi cum quadam vidua. Johannes serviens plegius.

Summa l. sol. vj. d.

Wedon'. Curia tenta die S. Luce Evangeliste.

De communi fine x. marc. ad festum S. Thome Apostoli.

xvj. marc. Willelmus le Fleming dat domino iiij. lib. pro licencia contrahendi cum Susanna vidua. Ricardus Serviens plegius.

iij. s. Johannes Mabeli dat domino iij. s. pro consideracione habenda xij. hominum de quadam terra quam Noe sibi deforciat. Ricardus Faber, Radulfus Bernard plegii et dicunt dicti jurati et quod Noe Pinguis jus habet, ideo etc.

ij. s. Agnes Stampel*uu*e dat domino ij. s. pro licencia eundi et veniendi in villa' et habitandi extra terram domini. Ricardus Faber plegius.

xx. s. Ricardus le Plumir pro transgressione xiij. s. iv. d. Walterus Wid pro eodem xiij. s. iv. d.[1]

ij. s. Godefridus le Taillur junior pro transgressione ij. sol.

Placitum inter Stephanum Frankelain et Johannem le Taillur cepit dilacionem usque ad proximam curiam sine essonio.

Cum Godefridus (Taillur) junior peteret de Noe j. quarterun terre lis conquievit sub hac forma quod dictus Godefridus remittit pro se et heredibus suis dicto Noe et heredibus suis totum jus et clamium quem habuit vel habere potuit in dicto quarterun qui sibi competiit racione doni Johannis le Taillur avi sui.

xxxiij. s. iiij. d. Agnes Mabeli seysita est j. quarterun terre quod mater sua tenuit et dat domino de ingressu xxxiij. s. iiij. d. Noe, Willelmus Askil plegii.

Dicit plena curia quod si qua mulier fuerit de dominio

[1] The sum in the margin should be 26 s. 8 d., but is 20 s.

A certain unknown man [1] gives the lord 20 s. for leave to contract [marriage] with a certain widow. Pledge, John Serjeant.

Total of monies due, 50 s. 6 d.

Weedon Beck [Northamptonshire]. Court holden on S. Luke's day.

For the general fine payable on S. Thomas's day, 10 marks. William Fleming gives £4 [2] for leave to contract [marriage] with widow Susan. Pledge, Richard Serjeant.

John Mabely gives the lord 3 s. to have the judgment of twelve men as to certain land whereof Noah deforces him; pledges, Richard Smith, Ralph Bernard. The said jurors [3] say that Noah the Fat has right; therefore etc.

Agnes Stampelove gives the lord 2 s. for leave to come and go in the vill but to dwell outside the lord's land. Pledge, Richard Smith.

Richard Plumer for a trespass, 13 s. 4 d. Walter Wide for the same, 13 s. 4 d.

Godfrey Tailor the younger for a trespass, 2 s.

The plea between Stephen Franklain and John Tailor is adjourned to the next court, when no essoin is to be allowed.

Whereas Godfrey Tailor the younger has demanded against Noah a farthing land, now the action is compromised in manner following:—Godfrey for himself and his heirs remises to the said Noah and his heirs all right and claim which he has or can have in the said farthing land by reason of the gift made by his grandfather John Tailor.

Agnes Mabely is put in seisin of a farthing land which her mother held, and gives the lord 33 s. 4 d. for entry money. Pledges, Noah, William Askil.

The full court declares that in case any woman shall

[1] Some one, I suppose, who does not wish that his name should be made public.

[2] This is a very large sum; but the figures are correct, as appears below, where the receipts of the court are added up.

[3] No jurors have been previously mentioned.

domini plene egressa et fuerit maritata libero homini poterit tunc bene revertere et recuperare dicta mulier jus et clamium si quod habet in aliqua terra; si autem copulata fuerit servo, tunc servo vivente non poterit, set post mortem bene potest.

vj. s. viij. d. Robertus Wyd dat domino vj. s. viij. d. pro relaxanda secta sua usque ad festum S. Michaelis. Colinus de Camera plegius.

Summa xiiij. lib. iiij. d.

Adereston'. Curia tenta die dominica proxima post festum S. Luce Evangeliste.

Willelmus filius Alicie seisitus est j. furno in regia strata, sustinebit domum propriis sumptibus et dat de in-
xij. d. gressu xij. d. et de annuo redditu x. sol. ad tres terminos anni, viz. ad festum S. Martini iij. s. iiij. d. ad Annunciacionem iij. s. iiij. d. ad Nativitatem iij. s. iiij. d. Adam Clericus, Johannes Deboneir' plegii.

Radulfus Marescalcus seisitus est tenemento patris et
ij. s. dat de annuo redditu xij. d. et de ingressu ij. s. Robertus de Overton', Adam Clericus plegii.

Sarra Lotrix reddidit burgagium suum in manus domini de quo seisitus est Thomas de Fulwde et dat de ingressu
iiij s. iiij. s. et invenit plegios Willelmum Alicon, Thomam Julian, Thomam Pistorem quod libertas per illum in nullo lederetur.

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Hawisa dat domino vj. d. Laurencius Fullo plegius pro consideracione curie habenda de j. placia quam ad firmam
xviij. d. tradidit et dat domino xij. d. pro habenda seisina. Alexander Rotarius, Thomas Lucas plegii.

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xij. d. Dulcia dat domino xij. d. pro consideracione curie de dote sua. Hugo Tulluse, Thomas Lucas plegii.

have altogether quitted the lord's domain and shall marry a free man, she may return and recover whatever right and claim she has in any land; but if she shall be joined to a serf, then she cannot do this during the serf's lifetime, but after his death she may.[1]

Robert Wide gives the lord 6 s. 8 d. for releasing his suit [of court] until Michaelmas next. Pledge, Colin Chambers.

Total of monies due, £14. 0 s. 4 d.

Atherstone [Warwick]. Court holden on the Sunday next after the feast of S. Luke.

William Alice's son is put in seisin of a bakehouse in the King's Street,[2] and shall keep up the house at his own cost and gives 12 d. for entry money, and 10 s. annual rent payable at three terms, viz. 3 s. 4 d. at Martinmas, 3 s. 4 d. at Lady Day, 3 s. 4 d. at Christmas. Pledges, Adam Clerk, John Deboneir.

Ralph Marshall is put in seisin of his father's tenement and gives for annual rent 12 d. and 2 s. for entry money. Pledges, Robert of Overton, Adam Clerk.

Sarah Laundress surrendered her burgage into the lord's hands and Thomas of Fulwood is put in seisin of it and gives 4 s. for entry money and finds pledges that [the Abbot's] franchise shall suffer no harm from him, to wit, William Alison, Thomas Julian, Thomas Baker.

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Hawise gives the lord 6 d. (pledge, Lawrence Fuller) to have the judgment of the court as to a place which she has let to farm and gives the lord 12 d. to have seisin. Pledges, Alexander Wheeler, Thomas Lucas.

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Dulcia gives the lord 12 d. to have the judgment of the court as to her dower. Pledges, Hugh Tulluse, Thomas Lucas.

[1] As to the condition of a woman married to a serf see Bracton, f. 430 b.

[2] The Watling street runs through Atherstone.

Presentatum est quod Stacius de la Hull' (xij. d.) recepit
ij. s. contra assisam, item Godefridus de Widon' (vj. d.) et Hugo
ij. s. vj. d. Tulluse (vj. d.), item dicunt quod Galfridus le Turnur transgr' (vj. d.). Robertus Meke pro transgressione (xij. d.), Thomas Pistor (xij. d.).

De communi fine vill' xxx. s. ad festum S. Andree Apostoli.

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Summa iiij. lib. x. d.

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Toting'. Curia tenta die Lune proxima ante festum S. Leonardi.

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Johannes filius Alme petit unum cotagium quod Henricus
xij. d. le Fleming tenet et dat domino xij. d. pro sacramento et recognicione xij. hominum, Ricardus Jordan plegius. Et dicunt jurati quod Henricus Fleming melius jus habet.

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Baldewynus filius Sutoris invenit Walterum Sutorem, Rogerum de Brodewatere Robertum Li*nene*, Willelmum Franceys quod propter moram suam London' decennam suam *semper* sequeretur et nullam libertatem contra voluntatem domini in nullo tempore vendicabit et quocienscunque dominus voluerit ad ipsum veniet.

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Preston'. Curia tenta in die S. Martini Episcopi.

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Symon Patrik dat domino xij. d. pro consideracione curie habenda de j. cotagio quod relicta Galfridi Dogers sibi deforciat. Symon de Strode plegius. Et dicunt dicti jurati quod dictus Symon melius jus habet. Et dictus Symon totum jus suum remisit et quietum clamavit Matillidi sorori

It is presented that Stace Hulle (fine, 12 d.) has received [strangers] contrary to the assize,[1] also Godfrey of Widon (fine, 6 d.) and Hugh Tulluse (fine, 6 d.), also they say that Geoffrey Turner has committed a trespass (fine, 6 d.). Robert Meke for a trespass, 12 d. Thomas Baker, 12 d.

For the general fine of the vill payable on S. Andrew's day, 30 s.

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Total of monies due, £4. 0 s. 10 d.

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Tooting [Surrey]. Court holden on Monday before the feast of S. Leonard.[2]

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John son of Alma demands a cottage which Henry Fleming holds and gives the lord 12 d. for the oath and recognition of 12 men; pledge, Richard Jordan. The jurors say that Henry Fleming has the better right.

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Baldwin Cobbler's son finds [as pledges] Walter Cobbler, Roger of Broadwater, Robert Linene, William Frances, that notwithstanding[3] his stay in London he will always make suit with his tithing and will at no time claim any liberty contrary to the lord's will and will come to the lord whenever the lord wills.

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Preston [Sussex]. Court holden on the day of S. Martin.[4]

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Simon Patrick gives the lord 12 d. to have the judgment of the court as to a cottage of which the widow of Geoffrey Dogers deforces him; pledge, Simon of Strode. The said jurors[5] say that the said Simon has the better right. And the said Simon remises and quit-claims all his right to his

[1] See Stubbs, Select Charters, for the writ of 1233, forbidding the reception of strangers for more than one night.

[2] S. Leonard is 6 Nov.

[3] This seems the meaning of *propter* in this case.

[4] S. Martin is 11 Nov.

[5] No jurors have yet been mentioned.

sue et Johanni Horin marito suo, x. sol. dat[1] domino de ingressu. Symon Patrik, Johannes Talk' plegii.

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[2] Suynecumb'. Curia tenta in vigilia Apostolorum Philippi et Jacobi.

vj. d. Ricardus de Cruce in misericordia pro sanguine effuso (vj. d.). Petrus de Cruce plegius.

iiij. s. vj. d. Henricus de la Dene (xij. d.) Johannes Forestarius (vj. d.) Radulfus Muncy (vj. d.) Johannes de la Hacshe (vj. d.) Adam Wille (xij. d.) Henricus Bunting (xij. d.) Johannes Carter (xij. d.) Johannes de Fonte (xij. d.)

ij. sol. vj. d. Relicta Wace (vj. d.).

[3] Bledelawe. Curia tenta in festo Apostolorum Philippi et Jacobi.

Robertus de Cruce pro pastura vj. d.

xij. d. Hugo Wyking quia non sequitur molendinum domini xij. d.

iiij. s. Ricardus de la Hull' (xij. d.) Robertus de Cruce (vj. d.) Relicta W. Ketelburn (vj. d.) Matillis Martin (xij. d.) Willelmus de Mora (vj. d.) Robertus Molendinarius (vj. d.) Petronilla de Strata (xij. d.) Hugo Wyking, Henricus de

ij. s. vj. d. Lolkesbergh' (vj. d.) Willelmus de la Fridh', Lucia Blakston (vj. d.) Alicia Harding (vj. d.).

xij. d. Presentatum est quod Willelmus (Derewyn) et Johannes Derewyn' transgress' fecerunt (xij. d.) in Agnetem de la Den' et clamor levatus fuit ideo etc.

xij. d. Hugo de Cimiterio contraxit sine licencia (xij. d.).

Juliana Forestar' distringatur pro defalta (et) Willelmus de la Mora.

xij. d. Johannes Kulbel in misericordia (xij. d.) quia non habuit Gregorium Molendinarium et preceptum est quod habeat eum ad proximam curiam.

iiij. s. Hugo filius Andree dat domino iiij. s. pro licencia nubendi. Robertus Serviens plegius.

[1] Probably it is John who gives the money.

[2] All the entries found under this heading are here printed.

[3] All the entries found under this heading are here printed.

sister Maud and her husband John Horin, [who] gives the lord 10 s. for entry money; pledges, Simon Patrick, John Talk.

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Swincombe [Oxford]. Court holden on the vigil of SS. Philip and James.[1]

Richard Cross in mercy for bloodshed; fine, 6. d; pledge, Peter Cross.

Henry Dene 12 d., John Forester 6 d., Ralph Muncy 6 d., John Ash 6d., Adam Wille 12 d., Henry Bunting 12 d., John Carter 12 d., John Fountain 12 d., Widow Wace 6 d.[2]

Bledlow [Bucks]. Court holden on the feast of SS. Philip and James.

Robert Cross for pasture, 6 d.

Hugh Wiking for not making suit at the lord's mill, 12 d.

Richard Hulle 12 d., Robert Cross 6 d., W. Ketelburn's widow 6 d., Maud Martin 12 d., William Moor 6 d., Robert Miller 6 d., Peronel Street 12 d., Hugh Wiking, Henry of Loksborough 6 d., William Frith, Lucy Blackstone 6 d., Alice Harding, 6 d.[3]

It was presented that William Derwin and John Derwin (fine, 12 d.) committed a trespass against Agnes Dene, and the cry was raised, therefore etc.

Hugh Churchyard contracted [marriage] without the lord's leave; [fine] 12 d.

Let Juliana Forester be distrained for her default, also William Moor.

John Kulbel in mercy (fine, 12 d.) for not producing Gregory Miller, and he is commanded to produce him at the next court.

Hugh Andrew's son gives the lord 4 s. for leave to marry; pledge, Robert Serjeant.

[1] This festival is 1 May.

[2] Probably they have broken the assize of beer.

[3] Probably they have broken the assize of beer.

xij. d. Juliana Foristar' dat domino xij. d. ita quod decetero non occasionetur pro secta curie.

Johannes Frankelain seisitus est tenemento patris sui
xx. s. et dat domino de ingressu xx. s. Robertus Serviens plegius.

iiij. s. Henricus de Cruce dat domino iiij. s. pro licencia maritandi se. Robertus Serviens plegius.

Toting'. Curia tenta die Sabbati proxima ante Ascenscionem.

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Hugo Elis dimisit et tradidit Willelmo Fabro dimidiam acram prati que dicitur Lusemed ad terminum xix. annorum et si dictus Hugo infra dictum terminum decedat ita quod non possit warantizare dictum pratum, obligavit se fide media de conservando dictum W. indempnem et catalla dicti W. salvabit. Et pro hac inrotulacione dictus W. dat
ij. s. domino ij. s. Robertus serviens plegius.

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Cotesford. Curia tenta die Martis post festum Trinitatis.

iiij. s. Isabella Warin dat domino iiij s. pro licencia maritandi Mariam filiam suam. Johannes Serviens plegius.

Presentatum est per totam villa' [1] quod Radulfus le War disseisivit dominum de medietate j. haye ubi per consideracionem curie sepe fuit consideratum quod illa haya quo ad medietatem spectat ad dominum et medietas ad Radulfum et dictus R. totam vendicat et capit ad opus suum in dampn' domini etc. Item dicunt quod dictus Radulfus tenet Vuercolkescroft' que terra est jus domini.

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[1] Probably *villam*, perhaps *villatam*.

Juliana Forester gives the lord 12 d. in order that for the future no occasion may be taken against her for neglect of suit of court.

John Franklain is put in seisin of his father's tenement and gives the lord 20 s. for entry; pledge, Robert Serjeant.

Henry Cross gives the lord 4 s. for licence to marry; pledge, Robert Serjeant.

Tooting [Surrey]. Court holden on Saturday before Ascension Day.

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Hugh Ellis has demised and let to William Smith the acre of land called Lusemead for a term of nineteen years, and in case the said Hugh shall die within the said term and so be unable to warrant the said meadow he has obliged himself by plighted troth to keep the said William indemnified and to secure him his chattels. And for the making of this entry on the roll the said William gives the lord 2 s.; pledge, Robert Serjeant.

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Cottisford [Oxford]. Court holden on Tuesday after Trinity Sunday.

Isabella Warin gives the lord 4 s. for leave to give her daughter Mary in marriage; pledge, John Serjeant.

It is presented by the whole township that Ralph le War has disseised the lord of a moiety of a hedge, whereas it had often been adjudged by award of the court that the said hedge belongs as to one moiety to the lord and as to the other to Ralph, and the said Ralph claims and takes to his use the whole to the lord's damage etc. Also they say that the said Ralph holds Overcolkescroft, which land by rights is the lord's.

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[1] PLACITA MANERIORUM BECCENSIUM ANNO REGNI REGIS EDWARDI NONO.

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Toting'. Curia tenta die Sabbati proxima post festum S. Martini.

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Presentatum est per veredictum tocius curie concorditer quod si qua mulier jus habens in aliqua terra secundum consuetudinem manerii et in seisina fuerit de voluntate domini, si aliquis cum dicta muliere contractus fuerit, et dicta mulier jus suum et seisinam suam in manus domini reddiderit, et ille qui cum ea contractus est illud jus et seisinam de manu domini receperit, precluditur via inperpetuum quibuscunque heredibus dicte mulieris et remaneat dictum jus contrahenti et heredibus suis. Iccirco Willelmus de Bosco, qui in hoc casu est, teneat terram suam in forma predicta. Et pro hac inquisicione facienda, dat dictus Wil-
vj. s. viij. d. lelmus domino vj s. viij d.

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Rislep. Curia tenta die Sabbati proxima post Quasi modo geniti.

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Tenementa Lucie de Molendino capiantur in manus domini propter adulterium quod commisit ita quod ballivus respondeat.

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Pres' cap' dec'[2] quod Cristina filia Ricardi Malevile maritatur Lond' sine licencia domini, ideo distringatur
xij. d. dictus Ricardus (qui finem fecit pro xij d.). Item Alicia Berde similiter, ideo dicta Alicia distringatur. Item quod Robertus de Fonte fecit transgressionem Willelmo Gery, ideo dictus Robertus in misericordia, Honfridus plegius,

[1] King's Coll Camb., C. 8. [2] *Presentant capitales decennarii.*

PLEAS OF THE MANORS OF THE ABBEY OF BEC IN THE NINTH YEAR OF KING EDWARD (A.D. 1280–1.)

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Tooting [Surrey]. Court holden on Saturday next after the feast of S. Martin.

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It is presented by unanimous verdict of the whole court that if anyone marries a woman who has right in any land according to the custom of the manor and is seised thereof by the will of the lord, and the said woman surrenders her right and her seisin into the hands of the lord and her husband receives that right and seisin from the hands of the lord, in such case the heirs of the woman are for ever barred from the said land and the said right remains to the husband and his heirs. Therefore let William Wood, whose case falls under this rule, hold his land in manner aforesaid. And for the making of this inquest the said William gives the lord 6 s. 8 d.

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Ruislip [Middlesex]. Court holden on the Saturday after Quasimodo Sunday.[1]

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The tenements of Lucy Mill are to be seized into the lord's hands because of the adultery which she has committed and the bailiff is to answer for them.

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The chief pledges present that Cristina daughter of Richard Malevile has married at London without the lord's licence; therefore let the said Richard be distrained. He has made fine with 12 d. Also that Alice Berde has done the same; therefore let her be distrained. Also that Robert Fountain has committed a trespass against William Gery; therefore the said Robert is in mercy; pledge, Humfrey;

[1] Quasimodo Sunday is the first Sunday after Easter.

vj d. Item quod Ricardus Malevil' extraxit sanguinem de
ij. s. vj. d. Stephano Gust, ideo in misericordia ij s.

De communi fine vill' in festo S. Jacobi Apostoli xl s.

Bledelaw. Curia tenta in festo S. Thiburcii et Valeriani.

Galfridus Coterel in misericordia pro bateria, Adam Serviens plegius, xij. d. Galfridus Coterel pro transgressione in feno, Alanus Messor plegius, vj. d. Hugo de Senholte in
ij. m. misericordia pro viridi bosco vj. d.

Hugo Wyking in misericordia pro tardacione operum suorum faciendorum vj. d. Hugo de Cimiterio in misericordia pro trangressione in spinis vj. d. Thomas Golde in
xv. d. misericordia pro bosco, Robertus Triturator plegius iij. d.

Willelmus de la Dune in misericordia pro subtraxione operum autumpnalium ij. s. Avicia Isaac pro eodem vj. d. Hugo Wyking pro eodem vj. d. Agnes la Rede in miseri-
iij. s. vj. d. cordia pro transgressione filie sue in blado vj. d.

Walterus de Fraxino in misericordia quia non sequebatur molendinum domini vj. d. Hugo Pinel in misericordia quia impedivit aquam de cursu suo solito in nocumentum vici-
xij. d. norum, Robertus Fresel plegius, vj. d.

Johannes de la Dune in misericordia pro asportacione bladi in autumpno, Adam le Wyte plegius. Alanus Messor
xij. d. dat domino xij. d. pro uno multone in custodia sua deperdito.

Adam le Wyte in misericordia pro mala falcacione vj. d. Hugo Harding in misericordia pro eodem vj. d.

Pres' cap' deċen' quod Henricus Blacstan vj. d., Hugo de Cimiterio xviij. d., Walterus de Fraxino vj. d., Henricus de Lockesberwe xij. d., Avicia Isaac vj. d., Ricardus Matheu vj. d., Hugo Wiking Radulfus de la Dene vj. d., Johannes le Palmer' xij. d., Johannes Coterel vj. d.,
iiij. s. vj. d. Johannes de la More vj. d., Johannes Cubbel xij. d., Hugo Andreu vj. d., Philippus le Chapman vj. d.,
iiij. s. vj. d. Johannes Felawe xij. d., Robertus Ballivus vj. d., Alicia Squier xij. d., Johannes Gratele Ricardus de Hulle

fine, 6 d. Also that Richard Malevile has drawn blood from Stephen Gust; therefore he is in mercy; fine, 2 s.

For the general fine of the vill payable on S. James's day, 40 s.

Bledlow [Bucks]. Court holden on the feast of SS. Tiburtius and Valerian.[1]

Geoffrey Coterel in mercy for a battery; fine, 12 d.; pledge, Adam Serjeant. Geoffrey Coterel for trespass in the hay; fine, 6 d.; pledge, Alan Reaper. Hugh of Senholt in mercy for trespass in the green wood; fine, 6 d.

Hugh Wiking in mercy for delay in doing his works; fine, 6 d. Hugh Churchyard for trespass in [cutting] thorns; fine, 6 d. Thomas Gold in mercy for trespass in the wood; fine, 3 d.; pledge, Robert Grinder.

William Dun in mercy for subtraction of his works due in autumn; fine, 2 s. Avice Isaac for the same, 6 d.; Hugh Wiking for the same, 6 d.; Agnes Rede in mercy for her daughter's trespass in the corn, 6 d.

Walter Ash in mercy for not making suit to the lord's mill; fine, 6 d. Hugh Pinel in mercy for diverting a watercourse to the nuisance of the neighbours; fine, 6 d.; pledge, Robert Fresel.

John Dun in mercy for carrying off corn in the autumn; pledge, Adam White. Alan Reaper gives the lord 12 d. on account of a sheep which was lost while in his custody.

Adam White in mercy for bad mowing; fine, 6 d. Hugh Harding in mercy for the same; fine, 6 d.

The chief pledges present that Henry Blackstone (fine, 6 d.), Hugh Churchyard (fine, 18 d.), Walter Ash (fine, 6 d.), Henry of Locksbarow (fine, 12 d.), Avice Isaac (fine, 6 d.), Richard Matthew (fine, 6 d.), Hugh Wiking (fine, [2]) Ralph Dene (fine, 6 d.), John Palmer (fine, 12 d.), John Coterel (fine, 6 d.), John Moor (fine, 6 d.), John Cubbel (fine, 12 d.), Hugh Andrew (fine, 6 d.), Philip Chapman (fine, 6 d.), John Fellow (fine, 12 d.), Robert Bailiff (fine, 6 d.), Alice Squire (fine, 12 d.), John Gratcly (fine, [2]), Richard Hull (fine, 6 d.), Osbert

[1] The feast is 14 April.

[2] A blank is left.

v. s. vj. d., Osbertus Messor vj. d., Robertus de Cruce fregerunt
xij. d. assisam cervisie vj. d. Item quod Henricus de Senholte, Henricus le Brone, Hugo le Heyward, Ricardus de la More, Juliana Wodeward', Alicia Herding, Petronilla de Strete, Alionora de Prato faciunt defaltam. Item quod Walterus de Fraxino Johannes Wyking Johannes Smert Henricus Coterel marit' se sine licencia domini, ideo distringantur ad faciend' voluntatem domini. Alanus Messor pro transgressione pullani sui vj. d. Philippus de Chapman in misericordia quia vetuit vadium suum ballivo
ix. d. domini iij. d.

De communi fine vill' in festo Nativitatis S. Johannis
l. s. Baptiste l. s.

Summa lxxiij. s. vj. d.

Wanetinge. Curia tenta die Jovis proxima post Hockeday.

Willelmus de Fraxino in misericordia pro transgressione in blado vj. d. Johannes Irmangger' in misericordia pro despectu vj. d. Pres' cap' dec' quod Willelmus de Riple
xviij. d. vj. d., Walterus Faber (nichil habet), Matildis de Pasmer' recept' contra assisam, ideo in misericordia vj. d.

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Matildis relicta Reginaldi de Chawelowe sufficienter probavit quamdam ovem esse suam viij. d. apreciatam que si infra unum annum et unum diem exigatur, obligat se ad restitucionem dicte ovis vel precii per pleg' Johannis le Irmanggere, et Johannis Roberd, et dat domino pro warda
iij d. iij. d.

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Reaper (fine, 6 d.), and Robert Cross (fine, 6 d.), have broken the assize of beer. Also that Henry of Senholt, Henry Brown, Hugh Hayward, Richard Moor, Juliana Woodward, Alice Harding, Peronel Street, Eleanor Mead make default. Also that Walter Ash (fine, [1]), John Wiking (fine, [1]), John Smart (fine, [1]), and Henry Coterel have married themselves without the lord's licence; therefore let them be distrained to do the will of the lord. Alan Reaper for the trespass of his foal; fine, 6 d. Philip Chapman in mercy for refusing his gage to the lord's bailiff[2]; fine, 3 d.

For the general fine of the vill payable at Midsummer, 50 s.

Total 73 s. 6 d.

Wantage [Berks]. Court holden on Tuesday next after Hokeday.[3]

William Ash in mercy for trespass in the corn; fine, 6 d. John Iremonger in mercy for contempt; fine, 6d. The chief pledges present that William of Ripley (fine, 6 d.) Walter Smith (no goods), Maud of Pasmere (fine, 6 d.), have received [strangers] contrary to the assize; therefore they are in mercy.

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Maud widow of Reginald of Challow has sufficiently proved that a certain sheep valued at 8 d. is hers, and binds herself to restore it or its price in case it shall be demanded from her within year and day; pledges, John Iremonger and John Roberd; and she gives the lord 3 d. for [his] custody [of it].[4]

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[1] A blank is left. [2] He prevented the bailiff from distraining.
[3] Hokeday is the second Tuesday after Easter.
[4] The sheep was seized as an estray.

[1] PLACITA MANERIORUM BECCENSIUM ANNO REGNI REGIS EDWARDI FILII REGIS HENRICI [SEPTIMO DECIMO].

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Cotesford. Curia tenta die Sabbati proxima post festum B. Fidis Virginis anno supradicto.

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Impositum est Johanni Huwes per senescallum in plena curia quod ipse procurat et nititur auferre domino et hominibus suis communam pasture sue qua usi sunt a tempore quo non extat memoria et quod ad ejus procuracionem pro predicta communa pasture sunt attachiati per breve Quare vi et armis et quod sic facit inventum est per inquisicionem tocius curie cui inquisicioni noluit se submittere, set omnia ista sibi imposita negat de verbo ad verbum et est super hoc ad legem suam. Plegii de lege Robertus le Bar et Ricardus de la Forde.

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Wedon'. Curia tenta die Veneris proxima post festum B. Dionisii anno supradicto.

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Ricardus Loverd reddit in manus domini unum cotagium cum pertinenciis et Emma Loverd filia ejusdem R. reddit unam acram terre arabilis de quibus seisitus est Henricus le Coverur et dat domino de ingressu et pro licencia contrahendi cum dicta Emma v. s. et sustinebit dictum Ricardum in mensa ita bene sicut se ipsum et dabit ei quolibet anno unum garmamentum et unum par lineorum et unum par caligarum et sotularium.

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Tallagium ville xiij. s. iiij. d.

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[1] King's Coll. Camb., C 9. Part of the word *septimo* is legible; the date is supplied from an old endorsement.

PLEAS OF THE MANORS OF THE ABBEY OF BEC IN THE SEVENTEENTH YEAR OF EDWARD I. [A.D. 1288–9].

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Cottisford [Oxford]. Court holden on the Saturday next after the feast of S. Faith [1] in the said year.

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John Huwes is accused in full court by the steward of attempting and endeavouring to deprive the lord and his men of their common of pasture which they have enjoyed from time immemorial and of having procured that they should be attached to answer for the said pasture to a writ of trespass *vi et armis*; and that he does so is found by an inquest of the whole court; to which inquest however he refused to submit himself, but denied all the charges made against him word by word; and he is at his law as to this matter; pledges for his law, Robert Bar and Richard Ford.[2]

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Weedon Beck [Northamptonshire]. Court holden on the Friday next after the feast of S. Denis [3] in the said year.

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Richard Loverd renders into the lord's hands a cottage with the appurtenances and Emma Loverd daughter of the said Richard renders one acre of arable land and Hugh Coverer is put in seisin of the same and gives the lord 5 s. for entry money and for licence to contract [marriage] with the said Emma and will keep the said Richard in board as well as he [Hugh] keeps himself and will give him every year one garment and one pair of linen hose and one pair of boots and slippers.

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Tallage of the vill 13 s. 4 d.

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[1] St. Faith is 6 Oct.

[2] For more of this case, see below, p. 37.

[3] St. Denis is 9 Oct.

[1] Bledel'. Curia tenta die S. Luce Evangeliste.

Maria de la Dene in misericordia quia non fecit opera autumpnalia vj. d. Ricardus le Paumer in misericordia quia non habuit quem plegiavit pro j. pullano vj. d. Willelmus Coterel in misericordia xij. d. plegius Robertus Gibe.

Tastator' Presentatum est quod Ricardus ate Hulle vj. d. Augnes ate Holemere, Gregorius Molendinarius xij. d., Johanna ate More iij. d., Matildis Phelip iij. d., Willelmus Kavening vj. d., Johannes de Gratel' vj. d., Johannes Felawe vj. d., Hugo Wiking vj. d., Hugo de Cimiterio xij. d., Johannes Niwemer vj. d., Johannes Brun vj. d. fregerunt assisam cervisie, ideo in misericordia.

Cap' Dec' Presentatum est quod Domina de Hamelden' facit defaltam, ideo preceptum est quod distringatur.

Willelmus Andreu dat domino xij. d. pro licencia maritandi se. Johannes Brun dat domino x. s. pro licencia contrahendi cum Avicia Ysac.

Tallagium ville videlicet tenentium domini iiij. lib.

Summa iiij. lib. xix. s. iij. d.

Preston'. Curia tenta die Jovis proxima post festum B. Leonardi.

Martinus de Hampton' in misericordia pro transgressione iij. d. Galfridus de Hampton pro officio carnificis vj. d.

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Willelmus Motard seisitus est una roda terre que fuit de dominico domini et dat domino de ingressu xij. d. et de annuo redditu vj. d. et edificabit super dicta roda et triturabit per annum septem *min*as et dimidiam, inveniet eciam unum hominem per tres dies ad colligendum fenum in tribus pratis domini et metet unam rodam bladi in autumpno et inveniet j. hominem ad tres precarias autumpnales.

[1] All the entries found under this heading are here printed.

Bledlow [Bucks]. Court holden on S. Luke's day.[1]

Mary Dene in mercy for not doing her autumn works; fine, 6 d. Richard Palmer in mercy for not producing one whom he had pledged in the matter of a foal; fine, 6 d. William Coterel in mercy; fine, 12 d.; pledge, Richard Gibe.

It is presented [by the ale-tasters] that Richard Hull (fine, 6 d.), Agnes Holemere, Gregory Miller (fine, 12 d.), Joan Moor (fine, 3 d.), Maud Phelip (fine, 3 d.), William Kavening (fine, 6 d.), John of Grateley (fine, 6 d.), John Fellow (fine, 6 d.), Hugh Wiking (fine, 6 d.), Hugh Churchyard (fine, 12 d.), John Newmere (fine, 6 d.), John Brown (fine, 6 d.), have broken the assize of beer; therefore they are in mercy.

It is presented [by the chief pledges] that the lady of Hambledon[2] makes default; therefore it is commanded that she be distrained.

William Andrew gives the lord 12 d. for licence to marry. John Brown gives the lord 10 s. for licence to contract [marriage] with Avice Isaac.

Tallage of the vill, to wit from tenants of the lord, £4.

Total £4. 19 s. 3 d.

Preston [Sussex]. Court holden on the Thursday next after the feast of S. Leonard.[3]

Martin of Hampton in mercy for a trespass; fine 3 d. Geoffrey of Hampton for the office of butcher, 6 d.

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William Motard is put in seisin of one rod of land which was part of the lord's demesne and gives the lord 12 d. as entry money and 6 d. as yearly rent and will build a house on the said rod and will yearly grind seven and a half minae[4] and will find one man for three days to get in hay on the lord's three meadows and will reap one rod of corn in the autumn and will find one man for the three autumn boon weeks.

[1] S. Luke is 18 Oct.

[2] Hambledon is some ten miles south of Bledlow.

[3] S. Leonard is 6 Nov.

[4] The mina is a measure, as to the capacity of which see Du Cange.

Editha in þe Hale que per consideracionem tocius curie inventa est legitime etatis et propinquior heres ad terram quam tenuit quondam Rogerus le May, reddit in manus domini in plena curia ad opus Mathei le Paumer totum jus et clamium quod ad predictam terram habet vel aliquo modo poterit habere pro qua reddicione idem Matheus dat eidem Edithe ix. s. vj. d. et est seisitus per dominum unde dat domino de ingressu hujus terre x. s.

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Cumba. Curia tenta die Mercurii proxima post diem Pasce regni Regis Edwardi filii Regis Henrici decimo octavo.

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Johannes de Bagemer' petit versus Johannem filium Walteri de Puteo unam virgatam terre cum pertinenciis in villa de Cumba ut jus suum secundum consuetudinem manerii, et ideo ut jus quia dicit quod quidam Johannes de Bagemer' avus suus obiit seisitus de predicta virgata terre cum pertinenciis ut de jure secundum consuetudinem manerii et de ipso Johanne descendit jus cuidam Willelmo filio suo patri predicti Johannis qui nunc petit cujus heres ipse est secundum consuetudinem manerii ut dicit, et quod tale sit jus suum petit quod inquiratur et dat domino pro inquisicione v. s. Et predictus Johannes (de Puteo) venit et respondit et bene concedit seisinam Johannis de Baggemer et quod predictus Willelmus fuit filius predicti Johannis, set dicit quod per predictum Willelmum patrem suum nullum jus sibi accrescit in predicta virgata terre nec de jure secundum consuetudinem manerii accrescere debet, quia dicit quod idem Willelmus pater Johannis qui nunc petit alias ipsum in predicta curia coram domino de predicta virgata terre nunc versus ipsum petita inplacitavit petens predictam terram versus eum ut jus suum secundum consuetudinem manerii etc., et tandem lis conquievit inter ipsos ita quod concordati fuerunt in hac forma de voluntate domini et in plena curia ita videlicet quod predictus Willel-

Edith Hale, who by judgment of the whole court is found to be of full age and next heir to the land formerly holden by Roger May, renders into the lord's hand in full court to the use of Matthew Palmer all right and claim that she has or in any way may hereafter have to the said land; for which render the said Matthew gives to the said Edith 9 s. 6 d. and he is put in seisin by the lord and therefore gives to the lord 10 s. for entry on this land.

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Combe [Hampshire]. Court holden on Wednesday after Easter in the eighteenth year of King Edward I. [1290].

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John of Bagmere demands against John son of Walter Wells one virgate of land with the appurtenances in the ville of Combe as his right according to the custom of the manor, and therefore as his right for he says that one John of Bagmere his grandfather died seised of the said virgate with the appurtenances as his right according to the custom of the manor, and from that John the right descended according to the custom of the manor to his son William the demandant's father, whose heir the demandant is according to the custom of the manor (so he says), and [to establish] that such is his right he prays that an inquest be made and he gives the lord 5 s. for an inquest. And the said John Wells comes and answers and admits the seisin of the said John of Bagmere [the elder] and that the said William was his son, but says that no right in the said virgate of land accrued or according to the custom of the manor could accrue to the demandant through the said William his father, for he [the tenant] says that the said William the demandant's father formerly impleaded him [the tenant] in the said court before the lord touching the virgate of land now demanded, demanding against him [the tenant] the said land as his [William's] right according to the custom of the manor etc. and at length the action between them was compromised by their making accord by the lord's will and in full court in manner follow-

mus de Baggemere concessit remisit et quietum clamavit pro se et heredibus suis predicto Johanni de Puteo totum jus suum quod habuit vel quoquo modo in predicta virgata terre habere potuit inperpetuum secundum consuetudinem manerii, et hoc paratus est verificare per recordum rotulorum seu xij^{cim} jurator'[1] ejusdem curie per voluntatem domini et senescalli, et petit judicium si contra factum predicti Willelmi patris sui cujus heres ipse est ut dicit aliquod jus in predicta terra secundum consuetudinem manerii sibi accrescere poterit. Et predictus Johannes de Baggemere dicit quod predictus Willelmus pater suus nunquam in prefata curia jus suum de se et heredibus suis prout dicit remisit nec quietum clamavit et hoc ponit super recordo rotulorum seu quod per xij^{cim} juratores curie inquiratur. Et predictus Johannes de Puteo similiter. Et datus est dies ad proximam curiam ad audiendum judicium et recordum suum.

Postea summonita fuit curia ad diem Mercurii proximam post festum B. Nicholai proximo sequens, ad quam curiam Johannes de Baggemere petens fecit se essoniari versus Johannem filium Walteri defendentem in hec verba, Johannes de Baggemere versus Johannem filium Walteri de Puteo de placito terre per Hugonem *de Baggemere*. Et Johannes filius Walteri de Puteo optulit se et petit judicium de defalta Johannis de Baggemere et dicit quod essonium predicti Johannis non jacet quia dicit quod nullus inplacitatus in curia post primam apparenciam se potest essoniare secundum consuetudinem manerii, et petit judicium precise de defalta predicti Johannis quia dicit quod ad diem istam habuerunt diem ad audiendum judicium et recordum suum secundum placitum inter eos placitatum. Et tota curia venit et dicit precise quod essonium predicti Johannis non jacet et quod predictus Johannes de Baggemere facit defaltam. Ideo consideratum est quod Johannes de Puteo inde sine die et quod Johannes de Baggemere et plegii de prosequendo in misericordia.

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[1] Either *juratorum* or *juratores*.

ing, that is to say, that the said William granted, remised and quit-claimed for himself and his heirs all his right that he had or in any manner might have in the said virgate of land to the said John Wells for ever according to the custom of the manor; and this he is ready to verify by the record of the rolls or [of] twelve jurors of the said court by the leave of the lord and his steward; and he craves judgment whether according to the custom of the manor any right in the said land can accrue to [the demandant] against the deed of his father the said William. And the said John of Bagmere says that the said William his father never, as [the tenant] says, remised or quit-claimed the said land for himself and his heirs in the said court; and this he puts upon the record of the rolls or is willing that it be established by inquest of twelve jurors of the court. And the said John Wells does the like. A day is given them at the next court to hear their judgment and their record.

Afterwards the court was summoned for Wednesday next after the feast of S. Nicholas[1] then next following, at which court John of Bagmere, the demandant, caused himself to be essoined against John son of Walter, the defendant, in these words 'John of Bagmere against John son of Walter Wells of a plea of land by Hugh of Bagmere.' And John Wells presented himself and craves judgment of the default of John of Bagmere and says that the essoin does not lie, for he says that according to the custom of the manor no one can essoin himself after he has once appeared, and he craves judgment strictly on this point of default, for he says that a day was given them on this day to hear their judgment and their record according to the plea pleaded between them. And the whole court comes and says in so many words that [the demandant's] essoin does not lie and that he makes default. Therefore it is considered that John Wells do go thence without day and that John of Bagmere and his pledges for prosecution be in mercy.

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[1] S. Nicholas is 6 Dec.

Okeburn'. Curia tenta die Veneris proxima post festum S. Marce Evangeliste anno regni Regis Edwardi supradicto.

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Tota villa exceptis Ada Russel, Johanne Druet, Johanne Butery, Willelmo Preposito et Petro Messore in misericordia quia eligerunt[1] sibi communem messorem et non presentaverunt illum ballivo loci prout moris est vj. s. viij. d. (condonatur per dominum).

Condonatur per dominum.

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Willelmus le Vinur convictus est per vj. legales homines quod contencio habita inter ipsum et Matildem Kelbe penitus facta fuit per ipsum et non per dictam Matildem. Ideo in misericordia. In respectu. Item preceptum est quod dictus Willelmus solvat dicte Matildi ij. s. quos sibi vadiavit per pl' Paulini le Drye et Ade Assuk pro transgressione sibi facta.

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Willelmus Brond convictus est per vj. legales homines quod convenit cum Matilda filia Nicholai de una dimidia acra terre sibi ad terminum annorum dimittenda. Ideo preceptum est quod teneat hujusmodi convencionem inter eos factam et per dictos homines jur'[2] verificatam.

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Petrus Kiwel conqueritur de Willelmo le Vinur et dicit quod ipsum male diffamavit pupplico asserendo ipsum Petrum falsum fore hominem plenum fraudibus et maliciosis contencionibus ad dampnum suum etc. Et predictus Willelmus venit et respondet et negat de verbo ad verbum et est ad legem super hujusmodi diffamacione. Plegius de lege Johannes de la Punde.

Cap' dec' videlict Saloman de Angulo, Paulinus le Drie et Johannes de la Punde cum tota decena manucapiunt quod Walterus de la Wich', Philippus Ringer et Johannes Squal personaliter venient coram domino vel senescallo suo quando voluerit versus eos loqui.

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[1] *Sic.* [2] *juratos.*

Ogbourne [Wiltshire]. Court holden on the Friday next after the feast of S. Mark[1] in the said year of King Edward.

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The whole vill, except Adam Russel, John Druet, John Butery, William Reeve and Peter Reaper, are in mercy for having elected for themselves a common reaper and not having presented him, as the custom is, to the bailiff of the place ; fine, 6 s. 8 d. It is forgiven by the lord.

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William Viner is convicted by six lawful men because the dispute which occurred between him and Maud Kelbe was wholly due to him and not to the said Maud. Therefore he is in mercy. His amercement is put in respite. Also it is ordered that he pay to the said Maud the 2 s. which he has promised her on the security of Paulin Drye and Adam Assuk for the trespass committed against her.

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William Brond is convicted by six lawful men of having agreed with Maud Nicholas's daughter to demise to her a half acre of land for a term of years. Therefore it is ordered that he do keep the said covenant made between them and established by the oath of the said [six] men.

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Peter Kiwel complains of William Viner and says that he has grievously defamed him by asserting in public that he, Peter, is a false man full of frauds and a picker of quarrels, to his [Peter's] damage etc. And the said William comes and answers and denies word by word and is at his law as to the defamation aforesaid. Pledge for his law, John Pound.

The chief pledges, to wit, Solomon atte Noke, Paulin Drye and John Pound with the whole tithing undertake that Walter Wich, Philip Ringer and John Squal shall personally come before the lord or his steward whenever he [the lord] shall wish to implead them.

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[1] S. Mark is 25 April.

[1] Cotesford. Curia tenta die Apostolorum Philippi et Jacobi anno supradicto.

Cum Johannes Huwes de Cotesford inculpatus fuisset quod dominus Tehobaldus de Verdun inplacitari fecit homines domini ejusdem Johannis videlicet domini Abbatis de Becco de manerio de Cotesford per breve de transgressione coram domino Rege ad procuracionem et abettum ejusdem Johannis, idem Johannes venit et verbo ad verbum negat et bene defendit quod nunquam ad ejus procuracionem predicti homines ad sectam domini Tehobaldi fuerunt coram Rege inplacitati prout sibi inponitur et vadiavit legem etc. Postea fecit legem et acquietavit se se sexta manu.

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Wedon'. Curia tenta die Veneris proxima post festum Invencionis S. Crucis anno supradicto.

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Johannes Carettarius in misericordia pro averiis suis captis in þe Inlond, vj. d.

Robertus ate Hulle in misericordia quia succidit arbores et vendidit quas vendere non potuit, xij. d.

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Inventum est per xij. jur' curie videlicet Galfridum ate Grene, Walterum Bilhing, Johannem Person, Godefridum le Taylor, Simonem le Juvene, Galfridum Yngulf, Simonem Clericum, Henricum Godefray, Walterum de la Grene, Radulfum Bernard et Stephanum Gileberd quod Robertus ate Hul nullum jus post mortem uxoris sue de Wedon' [2] habet ad tenend' dimidiam virgatam terre in Wedon' quia dicunt quod uxor sua verus heres predicte terre nunquam hujusmodi [3] coram domino vel suo senescallo prefato Roberto reddidit nec eciam aliquis antecessorum ejusdem per quod

[1] The only entry found under this heading is here printed.

[2] It may be that the words *de Wedon'* are due to mistake.

[3] The writer of this roll habitually uses *hujusmodi* to mean 'the same' or 'the said.' Other instances occur below.

Cottisford [Oxfordshire]. Court holden on the day of SS. Philip and James[1] in the said year.

[2] Whereas an accusation was made against John Huwes of Cottisford to the effect that Sir Theobald of Verdon had by the procurement and abetment of the said John caused to be impleaded the men of John's lord, to wit, the men of the Lord Abbot of Bec of the manor of Cottisford, by a writ of trespass before our Lord the King, the said John comes and denies word by word and fully defends that the said men were ever impleaded by his procurement at the suit of Sir Theobald before the King in the manner charged against him; and he has waged his law etc. Afterwards he made his law and acquitted himself six-handed.

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Weedon Beck [Northamptonshire]. Court holden on the Friday next after the feast of the Invention of the Holy Cross in the said year.[3]

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John Carter is in mercy for his beasts caught in the inland; fine, 6 d.

Robert Hulle in mercy for cutting down and selling trees which he had no power to sell; fine, 12 d.

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It is found by [the ?] twelve jurors of the court, namely, Geoffrey Green, Walter Bilhing, John Parson, Godfrey Tailor, Simon Young, Geoffrey Ingulf, Simon Clerk, Henry Godfrey, Walter Green, Ralph Bernard, and Stephen Gileberd,[4] that Robert Hulle has no right after the death of his wife [who belonged to Weedon [5]] to hold a half virgate of land in Weedon; for they say that his wife, the true heir to the said land, never rendered the same to the said Robert before the lord or the lord's steward nor did any of her ancestors, in such wise that the said Robert might in

[1] This feast is 1 May.

[2] For earlier proceedings, see above, p. 32. Theobald of Verdon was lord of the neighbouring manor of Hethe; R. H. ii. 837.

[3] This feast is 3 May.

[4] There are only eleven names on the roll.

[5] The words thus translated may be due to mistake.

aliquid juris vel·clamii prefatus Robertus poterit in dicta terra mortua uxore sua secundum consuetudinem manerii aliquo modo vendicare. Ideo terra capta est in manum domini. Postea veniunt Thomas de Gayton' et Athelina uxor sua et dicunt quod ipsa Athelina soror uxoris predicti Roberti propinquior heres est ad petend' dictam dimidiam virgatam terre secundum consuetudinem manerii. Et quia ipsa Athelina quondam recessit penitus de libertate domini, ideo dat domino vj. s. viij. d. ita quod possit redire ad eamdem et jus suum quod habet ad predictam terram prosequi secundum consuetudinem manerii, unde predicti Thomas et Athelina uxor sua seisiti sunt in plena curia prefata dimidia virgata terre et dant domino de ingressu iiij. l. vj. s. viij. d.

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Rislep. Curia tenta die dominica proxima post Gulam Augusti anno supradicto.

Benegerus Sutor dat domino xij. d. pro consideracione curie utrum ipse anno presenti habere debeat fenum cujusdam prati racione seisine quam habet per dominum de hujusmodi prato an Galfridus le Golder illud percipere debeat racione [seisine] quam habuit in prato predicto prout dicit. Et inquisicio dicit quod Benegerus hujusmodi fenum secundum consuetudinem manerii habere debet. Ideo consideratum est quod dictus Galfridus qui hujusmodi fenum contra voluntatem predicti B. de prato amovit, sit
xij. d. in misericordia et quod faciat emend' predicto Benegero etc.

Rogerus Sutor convictus est per vj. legales vicinos suos quod injuste et sine racione detinuit Johanni le King annuum redditum sibi debitum videlicet terciam partem unius denarii. Ideo consideratum est quod Rogerus sit in misericordia et quod satisfaciat dicto Johanni etc.

any way be able to claim any right whatever in the said land after his wife's death according to the custom of the manor. Therefore the land is seized into the hand of the lord. Afterwards come Thomas of Gayton and Athelina his wife and say that the said Athelina sister to the wife of the said Robert is her next heir to demand the said half virgate of land according to the custom of the manor. And because the said Athelina formerly withdrew herself altogether from the franchise of the lord, therefore she gives the lord 6 s. 8 d. for leave to return to the same and to prosecute the right which she has to the said land according to the custom of the manor. And the said Thomas and Athelina his wife in full court are put in seisin of the said half virgate of land and give the lord £4 6 s. 8 d. as entry money.[1]

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Ruislip [Middlesex]. Court holden on Sunday next after the Gule of August[2] in the said year.

Beneger Cobbler gives the lord 12 d. for a judgment whether in the present year he ought to have the hay of a certain meadow by reason of the seisin of the said meadow which he has from the lord, or whether Geoffrey Golder ought to take that hay by reason of the seisin which he had (as he says) of the said meadow. And the inquest says that Beneger ought to have the said hay according to the custom of the manor. Therefore it is considered that Geoffrey, who has removed the said hay from the meadow against Beneger's will, be in mercy and do make amends to the said Beneger etc.

Roger Cobbler is convicted by six lawful neighbours of his of having unlawfully and unduly detained from John King the annual rent due to him, to wit, the third part of one penny. Therefore it is considered that Roger be in mercy and do make satisfaction to the said John etc.

[1] A very heavy fine.

[2] The Gule is the first of August.

[1] PLACITA MANERIORUM BECCI ANNO REGIS EDW[ARDI FILII REGIS] H. DECIMO OCTAVO FINIENTE.

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Rislep. Curia tenta die S. Luce Evangeliste anno supradicto.

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Rogerus Ponfrayt petit versus Johannem ate Hulle unam virgatam terre cum pertinenciis in Rislep ut jus suum etc. et ideo ut jus quia dicit quod quedam Maselina proava[2] sua obiit seisita de predicta terra ut de jure suo secundum consuetudinem manerii, et de ipsa Maselina desendit[3] jus et descendere debuit cuidam Alicie ut filie et heredi, et de ipsa Alicia cuidam Ricardo ut filio et heredi et patri ejusdem Rogeri Ponfrayt qui nunc petit, et quod tale sit jus suum petit quod inquiratur per curiam. Et predictus Johannes venit et defendit vim et injuriam et jus suum etc. et negat seisinam predicte Maseline, etc., et dicit quod predicta virgata terre cum pertinenciis devenit in manus domini tanquam sua eschaeta per mortem omnium heredum, et quia nullus dictam terram jure hereditario et secundum consuetudinem manerii petere potuit, ideo dominus eam tanquam suam eschaetam pro voluntate sua eidem Johanni vendidit et eum in seisinam secundum consuetudinem manerii predicte terre ponere fecit, unde dicit quod majus jus habet ad tenend' eandem quam predictus Rogerus ad petend', et hoc similiter petit inquiri per curiam. Et xij. jur' curie videlicet Rogerus Hamund, Humfridus de Estcote, Radulfus Hoberd, Johannes Fige, Petrus Lamb, Willelmus Harding, Rogerus Hoberd, Ricardus Malevile, Radulfus But, Willelmus le Messor, Hugo de Arbore et Radulfus Cröyser dicunt super sacramentum suum quod predicta Maselina de cujus seisina predictus Rogerus petit,

[1] King's Coll. Camb., C. 10. Part of this heading has perished.
[2] *Sic.* [3] *Sic.*

PLEAS OF THE MANORS OF THE ABBEY OF BEC IN THE EIGHTEENTH AND NINETEENTH YEARS OF EDWARD I. [A.D. 1290].

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Ruislip [Middlesex]. Court holden on S. Luke's day[1] in the said year.

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Roger Pomfret demands against John Hulle one virgate of land with the appurtenances in Ruislip as his right etc., and for this reason as his right, for he says that one Maselina his great-grandmother died seised of the said land as of her right according to the custom of the manor, and from the said Maselina the right descended and ought to have descended to one Alice as her daughter and heir, and from the said Alice to one Richard the demandant's father as her son and heir; and that such is his right he prays may be inquired by the court. And the said John comes and defends tort and force and [Roger's[2]] right etc. and he denies the seisin of the said Maselina etc., and he says that the said virgate of land with the appurtenances came into the lord's hands as an escheat for default of heirs, and because no one could claim that land by hereditary right and according to the custom of the manor, therefore the lord disposed of it as his escheat and sold it to the said John and caused him to be put in seisin according to the custom of the manor; wherefore he says that he has greater right to hold than Roger to demand, and likewise prays that this be inquired by the court. And [the?] twelve jurors of the court, namely, Roger Hamond, Humphry Eastcot, Ralph Hoberd, John Fige, Peter Lamb, William Harding, Roger Hoberd, Richard Maleville, Ralph Butt, William Reaper, Hugh Tree, and Ralph Croyser say upon their oath that the said Maselina, of whose seisin Roger demands,

[1] S. Luke is 18 Oct.

[2] Blackstone, iii. 297, remarks very truly that when it is said that the tenant 'defendit jus suum,' the meaning is that he defends, i.e. denies, the demandant's right.

nunquam fuit seisita de predicta virgata terre, set tanquam eschaeta pro morte heredum devenit hujusmodi terra in manus domini et fuit predicto Johanni vendita et tradita secundum consuetudinem manerii, unde dicunt super sacramentum suum quod predictus Johannes majus jus habet ad tenend' predictam terram quam predictus Rogerus ad
xij. l. xiiij. s. ij. d.[1] petendum. Ideo consideratum est quod predictus Johannes teneat ut tenet et dictus Rogerus in misericordia.

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Wedon'. Curia tenta die Lune proxima post festum Invencionis S. Crucis anno regni Regis Edwardi decimo nono.

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Willelmus Clericus reddit in manus domini dimidiam virgatam terre que quondam fuit cujusdam Yvonis ad opus Juliane filie sue. Postea de voluntate ejusdem Juliane dictus W. seisitus est eadem terra ad tenend' ad terminum vite sue ita quod Juliana post obitum Willelmi sit heres ejus propinquior ad habend' et tenend' hujusmodi dimidiam virgatam terre secundum consuetudinem manerii et si Juliana sine herede de corpore suo procreato decedat hujusmodi terra revertetur ad heredes predicti Willelmi unde Willelmus pro premissis in plena curia recordat' et inrotulat' dat domino x. s.

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Adreston'. Curia tenta die Mercurii post festum Invencionis S. Crucis anno regni Regis Edwardi filii Regis H[enrici] decimo nono.

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Augnes quondam uxor Walteri Muk' petit versus Reginaldum Molendinarium terciam partem unius burgagii ut dotem suam racionabilem quam dictus Reginaldus ei

[1] No explanation is given for the appearance of this sum in the margin of the roll; the margin is damaged.

never was seised of the said virgate of land, but the said land came into the lord's hands as an escheat for default of heirs and was sold and delivered to the said John according to the custom of the manor; wherefore they say upon their oath that the said John has greater right to hold than the said Roger to demand the said land. Therefore it is considered that the said John do hold as he now holds and that the said Roger be in mercy.

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Weedon Beck [Northamptonshire]. Court holden on the Monday next after the feast of the Invention of the Holy Cross[1] in the nineteenth year of Edward I. [A.D. 1291].

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William Clerk renders into the hands of the lord a half virgate of land formerly Ivo's to the use of Juliana his daughter. Afterwards at the desire of the said Juliana the said William is put in seisin of the said land, to hold the same for the term of his life, to the intent that on his death the said Juliana shall be his next heir to have and hold the said half virgate of land according to the custom of the manor, and in case the said Juliana shall die without an heir procreated of her body,[2] then the said land shall revert to the heirs of the said William. And the said William gives the lord 10 s. for having the said premises recorded and enrolled in full court.

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Atherstone [Warwickshire]. Court holden on Wednesday next after the feast of the Invention of the Holy Cross in the nineteenth year of Edward I.

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Agnes formerly the wife of Walter Muck demands against Reginald Miller a third part of a burgage as her reasonable dower, whereof (as she says) the said Reginald

[1] This feast in 3 May.
[2] The statute *De donis* is still very recent; it was passed in 1285.

injuste deforciat ut dicit et hoc ponit super curiam. Et predictus Reginaldus venit et defendit vim et injuriam et jus suum etc. et dicit quod consuetudo manerii de Adreston' talis est quod quando uxor aliqua venit cum marito suo in plena curia et reddunt in manus domini aliquod tenementum ad opus alicujus emptoris, uxor hujusmodi post mortem mariti sui nullam recuperabit dotem de tenemento sic in curia reddito et vendito, et quod talis sit consuetudo manerii et quod dicta Augnes sic venit in plena curia cum marito suo et totum jus et clamium quod habuit vel aliquo modo habere poterit in toto vel in parte hujus burgagii in manus domini ad opus ejusdem R. reddidit ponit super curiam. Et dicta Augnes bene concedit hujusmodi cons', set dicit quod nunquam in plena curia jus suum quod habuit in dicto burgagio in manus domini reddidit, et hoc ponit super curiam. Et xij. jurat' curie videlicet Adam le Clerk, Thomas Julian, Hugo de Cymiterio, Radulfus Stace, Radulfus Faber, Johannes filius Augnetis, Radulfus Pistor, Walterus Douce, Radulfus Pistor junior, Johannes le Bo*u*er, Robertus Woderowe, Thomas Lucas et Robertus Muk dicunt super sacramentum suum quod predicta Augnes venit in plena curia et totum jus et clamium quod aliquo modo habere potuit in dicto burgagio in manus domini reddidit, unde dicunt super sacramentum suum quod nullum jus habet secundum consuetudinem manerii de Adreston' ad petend' terciam partem supradicti burgagii. Ideo consideratum est quod dictus Reginaldus inde sine die et predicta Augnes in misericordia.

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Rislep. Curia tenta die Martis ante festum S. Petri ad Vincula anno supradicto.

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Matildis þe Clerekes petit versus Isabellam Ponfrayt unum mesuagium cum pertinenciis ut jus suum etc., et ideo ut jus quia dicit quod Juliana soror sua obiit seisita de predicto

unjustly deforces her; and this she puts upon the court. And the said Reginald comes and defends tort and force and her right etc. and says that the custom of the manor of Atherstone is this, that if any married woman comes into full court with her husband and they render a tenement into the lord's hands to the use of a purchaser, then after the husband's death she shall recover no dower of the tenement so rendered and sold in court; and that such is the custom of the manor and that the said Agnes thus came into full court with her husband and rendered into the lord's hands all right and claim which she had or in any manner might have in the said burgage or any part thereof to the use of the said Reginald, he [the said Reginald] puts upon the court. And the said Agnes freely grants that such is the custom, but says that she never in full court rendered into the lord's hands her right which she had in the said burgage; and this she puts upon the court. And [the ?] twelve jurors of the court, to wit, Adam Clerk, Thomas Julian, Hugh Churchyard, Ralph Stace, Ralph Smith, John Agnes's son, Ralph Baker, Walter Douce, Ralph Baker the younger, John Bover, Robert Woderowe, Thomas Lucas and Robert Muck[1] say upon their oath that the said Agnes did come into full court and did render into the lord's hands all right and claim which she in any wise might have in the said burgage, and therefore they say upon their oath that she has no right according to the custom of the manor of Atherstone to demand a third part of the said burgage. Therefore it is considered that the said Reginald do go without day and that the said Agnes be in mercy.

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Ruislip [Middlesex]. Court holden on Tuesday before the feast of S. Peter at Chains[2] in the said year.

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Maud Clerks demands against Isabella Pomfret a messuage with the appurtenances as her right etc., and for this reason as her right, for she says that Juliana her sister died seised

[1] There are thirteen names on the roll. [2] This feast is 1 Aug.

mesuagio ut de perquisito suo secundum consuetudinem manerii, et de ipsa Juliana quia obiit sine herede de se descendit jus et descendere debuit isti Matildi que nunc petit tanquam heredi propinquiori, et hoc offert verificare per curiam. Et predicta Isabella venit et defendit jus suum etc. et dicit quod predictum mesuagium nunquam fuit perquisitum dicte Matildis[1] set perquisitum cujusdam Willelmi Ponfrait mariti ejusdem Juliane, qui quidem Willelmus fuit predicto mesuagio in plena curia seisitus, set Juliana nunquam in curia nec extra fuit per dominum hujusmodi mesuagio seisita et hoc offert verificare per curiam et petit quod inquiratur. Et dicta Isabella[2] hoc idem similiter petit et ponit se super inquisicionem. Et juratores videlicet Rogerus Hamund, Benerus Brun, Johannes Robin, Hugo Horsman, Radulfus Croyser, Willelmus Golder, Robertus Nothel, Rogerus Huberd, Willelmus Harding, Johannes Kevere, Willelmus in le Hole, Robertus de . . ., Ricardus Malevile, Petrus Salvage, Radulfus Stevene, Johannes Randulf, Willelmus ate Hulle et Johannes King dicunt super sacramentum suum quod Juliana per quam dicta Matildis petit hujusmodi messuagium nunquam fuit seisita ipso mesuagio, set Willelmus Ponfrayt maritus ipsius Juliane unde secundum consuetudinem manerii Juliana post mortem W. mariti sui nichil poterit clamare nisi dotem in hujusmodi mesuagium nisi fuerit in plena curia una cum marito suo de hujusmodi perquisito conjunctim seisita, et hoc nunquam fuit factum prout dicunt super suum sacramentum, unde dicunt quod non est in hujusmodi peticione audienda. Ideo consideratum est quod dicta Isabella teneat ut tenet et Matildis in misericordia, que est condonata per dominum quia pauper.

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[1] *Sic.* [2] *Sic*; corr. *Matildis.*

of the said messuage as of her purchase according to the custom of the manor, and from the said Juliana since she died without an heir of her body the right descended and ought to have descended to Maud the demandant as next heir ; and this she offers to verify by the court. And the said Isabella comes and defends her [Maud's] right and says that the said messuage never was the purchase of the said Maud [1] but was the purchase of William Pomfret husband of the said Juliana, who was put in seisin thereof in full court, but the said Juliana never was put by the lord in seisin of the said messuage either in or out of court; and this [Isabella] offers to verify by the court and asks that this be inquired. And the said Maud [2] demands the same and puts herself upon an inquest. And the jurors, to wit, Roger Hamond, Bener Brown, John Robin, Hugh Horsman, Ralph Croyser, William Golder, Robert Nothel, Roger Huberd, William Harding, John Kevere, William in the Hole, Robert of . . . . , Richard Maleville, Peter Savage, Ralph Steven, John Randulf, William Hulle and John King, say upon their oath that Juliana through whom the said Maud demands the said messuage never was seised thereof, but her husband William Pomfret was seised, so that according to the custom of the manor Juliana after his death would have no claim on the said messuage except for dower unless in full court she was put in seisin jointly with her husband of the said purchase, and this was never done as they say upon their oath ; wherefore they say that [Maud] is not to be heard in this her demand. Therefore it is considered that the said Isabella do hold as she now holds, and that Maud be in mercy. The lord forgives the amercement as she is poor.

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[1] Apparently it should be, not Maud, but Juliana.
[2] The text has *Isabella*.

[1] [PLACITA MANERIORUM BECCENSIUM ANNO REGNI REGIS EDWARDI FILII REGIS HENRICI VICESIMO QUARTO.]

Rislep. Curia tenta die Veneris proxima post festum S. Barnabe Apostoli anno regni Regis Edwardi vicesimo quarto.

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Adam de Rameseye atachiatus fuit ad respondendum domino ad sectam Willelmi Forestarii et Willelmi Messoris per pl' Willelmi de Scaccario et Roberti Aliz de placito quare cum idem Adam simul cum aliis ignotis die Veneris in ebdomada Pentecostes apud Rislep super feodum et libertatem domini ad domum Hugonis Marleward nativi dicti domini cum una caretta venisset, et ibi maeremium per dictum Hugonem Marleward contra defensionem domini prostratum et ibidem prohibitum sciente dictam defensionem per dictum dominum sic factam in dicta caretta cariare fecisset, ut a libertate domini ipso invito amoveretur ad dampnum domini c. solidorum ad quam cariationem supervenerunt Willelmus Forestarius et Willelmus Messor tanquam ballivi domini et prohibuerunt dicto Ade ex parte domini Regis et domini sui ne dictum maeremium sic per dominum prohibitum a dicto loco contra voluntatem domini amoveret et quod se per pleg' attachiasset ad respondendum domino in curia sua de eo quod dictum maeremium sic contra voluntatem domini a libertate sua sic cariare voluisset, et ceperunt quendam equum de caretta dicti Ade nomine vadii ut ipsum per pl' attachiassent ad respondendum domino de transgressione predicta, quibus dictus Adam simul cum aliis ignotis insultum vi et armis fecit nec ipsum secundum legem et cons' regni in forma predicta attachiar' permisit, set de dicto equo sic attachiato quantum in ipso fuit rescussum fecit propter quod dicti W. Forestarius et W. Messor super dictum Adam et alios sibi adherentes et eis

[1] King's Coll. Camb., C. 11. The general heading of this roll has perished, but the date is given in the heading of the Ruislip cases.

PLEAS OF THE MANORS OF THE ABBEY OF BEC IN THE TWENTY-FOURTH YEAR OF KING EDWARD I. [1296].

Ruislip [Middlesex]. Court holden on Friday next after the feast of S. Barnabas[1] in the twenty-first year of Edward I.

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Adam of Ramsey was attached to answer the lord at the suit of William Forester and William Reaper on the pledge of William of the Exchequer and Robert Aliz in a plea of trespass, why when the said Adam together with persons unknown had at Ruislip on the Friday in Whitsunweek come with a cart upon the fee and franchise of the lord to the house of Hugh Marleward the born bondman of the said lord and there had caused to be carried away in the said cart certain timber cut down by the said Hugh Marleward against the lord's prohibition (the said prohibition so issued by the lord being known to the said Adam), in order that against the lord's will the said timber might be removed from the lord's franchise to the damage of the lord 100 s., and when the said William Forester and William Reaper as bailiffs of the lord had come up and found the transport taking place and had on behalf of our lord the king and of his [Adam's] lord commanded him not to remove the said timber thus placed under the lord's prohibition from the said place against the lord's will and to find pledges to answer the lord in his court as to his having thus attempted to remove the said timber from the lord's franchise against the lord's will, and had taken a horse from the said Adam's cart by way of gage in order to attach him to answer the lord for the said trespass, he the said Adam together with persons unknown made an assault upon them [the two Williams] by force and arms and would not permit himself to be attached in manner aforesaid according to the law and custom of the realm, but to the utmost of his power made rescue of the

[1] S. Barnabas is 11 June.

sic insultum facientes hutesium levaverunt, ad quod hutesium venit quidam Walterus Salvage decennarius de Estcote cum tota decenna, quibus dictus Adam cum hutesio levato injunxit et ex parte domini Regis precepit quod ipsum simul cum hutesio sequerentur dicens se per dictos W. Forestarium et W. Messorem de equo suo contra voluntatem suam et pacem domini Regis et tanquam servientem domini Regis furtive spoliatum esse, per quod dictus Walterus decennarius cum tota decenna perteritus timore de precepto domini Regis una cum dicto Ada hutesio levato dictos W. Forestarium et socium suum tanquam felones usque ad manerium domini sequebantur, et insuper ad portam manerii dicti domini dictus Adam cum dictis hominibus ipsum sequentibus super dominum et suos hutesium levavit dicens se sic per dictos W. et W. per preceptum domini sic [1] de dicto equo furtive spoliatum esse ad dampnum et pudorem domini c. s. et amplius. Hec omnia predicta fecit dictus Adam. De quibus transgressionibus dicto Ade in plena curia sic impositis, confitetur se dictus Adam in omnibus esse culpabilem et ponit se in misericordia domini et invenit plegios Walterum Salvage, Robertum Nothel, Johannem Kevere et Hugonem Marleward. Postea taxata fuit dicta misericordia per Rogerum de Suhtcote Willelmum de Scaccario Hugonem de Cumba liberos sectatores curie usque ad duas marcas.

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Henricus le White petit unam acram terre quam tenuit Johannes frater suus cujus heres ipse est ut dicit. Et Cristina Trice venit et dicit quod majus jus habet ad tenend' dictam acram ad vitam suam quam dictus Henricus ad petend' quia dicit quod predictus Johannes perquisivit dictam acram post matrimonium inter ipsum et ipsam contractum et secundum consuetudinem manerii de Rislep uxor post mortem mariti sui tenebit integre perquisitum quod perquisivit post matrimonium inter ipsos contractum et hoc offert verificare per curiam et dat domino

[1] *sic* is thus repeated.

said horse which had been attached, whereupon the said two Williams raised the hue against the said Adam and his adherents who were thus making assault, and to the hue there came Walter Savage tithingman of Eastcot with his whole tithing, and the said Adam himself raising the hue bade them in the king's name follow him with the hue saying that he while acting as serjeant of our lord the king had been robbed of his horse by the said two Williams against his will and against the king's peace, whereupon the said Walter the tithingman with his whole tithing affrighted by the command thus given in the king's name raised the hue and along with Adam pursued after the said two Williams as though they were felons unto the manor [house] of the lord, and moreover at the gate of the said manor [house] the said Adam with those who were following him raised the hue against the lord and his men, saying as aforesaid that he had been robbed of his said horse by the said two Williams; [all of which was] to the damage and dishonour of the lord to the amount of 100 s. and more; all of which things the said Adam did. Of all of which trespasses thus in full court charged against him, the said Adam confesses himself in all respects guilty, and he puts himself in the lord's mercy and finds pledges, to wit, Walter Savage, Robert Nothel, John Kevere and Hugh Marleward. Afterwards the amercement was affeered at two marks by Roger of Southcote, William of the Exchequer and Hugh of Combe free suitors of the court.

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Henry White demands one acre of land which was holden by John his brother whose heir he is, as he says. And Cristina Trice comes and says that she has greater right to hold the said acre for her life than Henry to demand it, for she says that the said John purchased the said acre after his marriage with her and according to the custom of the manor of Ruislip a wife after her husband's death should hold the whole of any purchase made by him after his marriage with her; and this she offers to verify by the court, and she gives the lord 6 d. to have an inquest.

vj. d. pro inquisicione habenda. Que quidem inquisicio dicit quod talis est consuetudo manerii prout per Cristinam narratur unde majus jus habet ad tenend' quam Henricus ad petend'. Ideo consideratum est quod teneat ut tenet et Henricus in misericordia etc. iij. d.

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Cap' dec' presentant quod Robertus de Cilterne, Willelmus dictus Clerk, Henricus dictus Prust, Henricus Cocus, Johannes Malevile, Elias Faber, Willelmus le Lepere, Robertus Redhed et Petrus Stevene faciunt defaltam. Preceptum est quod attachientur etc.

Presentatum est quod Willelmus Forestarius levavit hutesium super Adam de Rameseye et juste, ideo Adam vad' misericordiam.

Item presentatum est quod Walterus Salvage, Johannes Blakemere, Willelmus de Campo, Willelmus Marleward, Johannes ate Hatche, Robertus Wrenche, Ricardus ate Forde, Amicia de Pinnore, Juliana ate Hulle, Ricardus Sherewind, Ricardus Rotarius, Willelmus Edelot, Radulfus de Fonte levaverunt hutesium super dominum et servientes suos injuste et illud coram porta domini diu continuarunt et injuste. Ideo adjudicati sunt ad juisam[1] et positi in compedibus etc.

Item presentatum quod Galfridus de Reygate levavit hutesium super Johannem Payn et juste. Ideo Johannes vad' misericordiam.

Item presentatum quod Johannes Fige levavit hutesium (et juste) super quosdam homines noctanter et vi et armis espervarios domini in parco suo asportantes de quibus nulla adhuc habetur noticia.

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Johannes Robin optulit domino unam marcam argenti pro licencia recedendi de officio prepositi. Preceptum est quod levetur.

Johannes Kevere levavit hutesium super dominum et servientes suos injuste et negavit in plena curia se esse nativum domini unde terra sua capta fuit in manum domini.

[1] As to the word *juisa*, here translated *pillory*, see Glossary.

And the inquest says that the custom of the manor is as Cristina pleads it, so that she has greater right to hold than Henry to demand the said land. Therefore it is considered that she do hold as she now holds and that Henry be in mercy etc. ; [fine,] 3 d.

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The chief pledges present that Robert of Chiltern, William called the Clerk, Henry called Prust, Henry Cook, John Maleville, Elias Smith, William Leper, Robert Redhead and Peter Steven make default. It is commanded that they be attached etc.

It is presented that William Forester raised the hue against Adam of Ramsey and rightfully. Therefore let Adam find gage for an amercement.

Also it is presented that Walter Savage, John Blackmere, William Field, William Marleward, John ate Hatche, Robert Wrenche, Richard ate Forde, Amicia of Pinner, Juliana ate Hulle, Richard Sherewind, Richard Wheeler, William Edelot and Ralph Fountain levied the hue against the lord and his servants wrongfully and kept it up for a long time before the lord's gate and wrongfully. Therefore they are adjudged to the pillory [?] and put in the stocks etc.

Also it is presented that Geoffrey of Reygate raised the hue against John Payn and rightfully. Therefore let John find gage for an amercement.

Also it is presented that John Fige raised the hue and that rightfully against certain men who by night with force and arms were carrying off the lord's sparrow-hawks, of which men nothing is as yet known.

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John Robin offered the lord a mark of silver for leave to retire from the office of reeve. It is commanded that the money be levied.

John Kevere raised the hue against the lord and his servants wrongfully, and denied in full court that he was the lord's born bondman, wherefore his land was seized

Postea venit et in plena curia confitetur se nativum domini et est reseisitus terra sua et ponit omnino se in misericordiam domini etc. in respectu.

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Wedon'. Curia tenta die Sabbati proxima post festum S. Margarete anno regni Regis Edwardi vicesimo quarto.

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Johannes Tonestal reddit in manum domini duas acras terre quarum una jacet apud Ricolneswee et alia jacet in Tinemede. De quibus seisiti sunt idem Johannes et Alicia uxor sua ita quod si decedant sine herede de corpore suo procreato quod revertantur ad heredes predicti Johannis secundum consuetudinem manerii et dant domino de ingressu et pro hujusmodi reversione inrotulanda v. s.

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Willelmus Cade dat domino ij. s. pro auxilio habendo ad recuperandum debitum sibi recognitum per Petrum Letard.

Willelmus Wilot noluit liberare namium suum messori, ideo in misericordia vj. d. Johannes Brochole fecit rescussum communi messori, ideo in misericordia iv. d.

Walterus Mile queritur de Johanne Brochole et dicit quod idem Johannes injuste levavit quoddam murum et quandam hayam inter tenementa ipsorum ad dampnum suum etc. et petit quod inquiratur. Et Johannes bene concedit quod inquiratur. Inquisicio dicit quod murum non est iniuste levatum set haya est injuste levata et ad dampnum dicti Walteri. Ideo consideratum est quod Johannes sit in misericordia pro haya sic injuste levata et quod fiat emenda et quod Walterus sit in misericordia pro falso clamore etc. viij. d.

Walterus Mile petit versus Johannem Person' xxxv. s. xj. d. in quibus sibi tenetur ut dicit pro rebus sibi promissis et debitis de maritagio filie ejusdem Johannis etc. Et

into the lord's hand. Afterwards he comes and in full court confesses himself the lord's born bondman and is put back in seisin of his land and places himself altogether in the lord's mercy etc. The case is respited.

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Weedon Beck [Northamptonshire]. Court holden on the Saturday next after the feast of S. Margaret in the twenty-fourth year of Edward I. [A.D. 1296].[1]

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John Tonestal renders into the lord's hand two acres of land, whereof one lies in Ricolneswee and the other in Tinemede. And thereof the said John and Alice his wife are put in seisin so that if they die without an heir of their body the said lands shall revert to the heirs of the said John according to the custom of the manor; and they give the lord 5 s. for entry and for the enrolment of this reversion.

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William Cade gives the lord 2 s. that he may have aid to recover the debt which Peter Letard has acknowledged as due to him.

William Wilot refused a distress to the reaper; therefore he is in mercy (fine, 6 d.). John Brockhole made rescue [of a distress] from the common reaper; therefore he is in mercy (fine, 4 d.).

Walter Mile complains of John Brockhole and says that he has raised a wall and hedge between their tenements to his damage etc. and prays an inquest. And John freely grants that an inquest be made. The inquest says that the wall is not raised wrongfully but that the hedge is raised wrongfully and to Walter's damage. Therefore it is considered that John be in mercy for the hedge thus wrongfully raised and that amends be made and that Walter be in mercy for his false complaint etc. (fine, 8 d.).

Walter Mile demands against John Parson 35 s. 11 d. wherein he is bound to him (so he says) for things promised and due to him as part of the marriage portion of John's

[1] S. Margaret is 20 July.

Johannes dicit quod in nullo sibi tenetur de predicto maritagio nisi in uno mantello precii v. s. et hoc offert verificare per legem suam, et statim vadiavit et fecit hujusmodi legem. Ideo Walterus in misericordia iv. d. et predictus Johannes etiam est in misericordia pro injusta detencione mantelli etc. iv. d.

Okeburn. Curia tenta die Sabbati proxima post festum S. Jacobi Apostoli anno supradicto.

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Willelmus le Bigge et Willelmus Druladon convicti sunt per inquisicionem curie quod injuste tenuerunt petras molares in domibus suis et ceperunt toloneum et hujusmodi multura [1] ad mangnum [2] dampnum domini pro secta molendini sui. Ideo in misericordia et preceptum est quod hujusmodi petre molares capiantur in manum domini.

[1] *Sic.* [2] *Sic.*

daughter etc. And John says that in no respect is he bound to [Walter] as regards the said marriage portion, save as to a mantle, price 5 s.; and this he offers to verify by his law; and he at once waged and made his law. Therefore be Walter in mercy (fine, 4 d.) and John also is in mercy for the wrongful detainer of the mantle etc. (fine, 4 d.).

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Ogbourne [Wiltshire]. Court holden on the Saturday next after the feast of S. James in the said year.[1]

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William Bigge and William Druladon are convicted by inquest of the court of wrongfully having millstones in their houses and taking toll and multure to the great damage of the lord as regards the suit to his mill. Therefore be they in mercy and it is commanded that the said millstones be seized into the lord's hand.

[1] S. James is 25 July.

II. THE COURT OF THE ABBOT OF RAMSEY AT BROUGHTON.

INTRODUCTORY NOTE.

The matter that follows is supplied by two documents in the Record Office. One of these (Augmentation Office Court Rolls, Portf. 5, No. 44), a strip of three membranes, gives the proceedings of courts holden during a part of the year 1258. The whole of this document is here printed, except the few first entries, which are a continuation of what was written on a part of the roll which has perished. After a lapse of more than thirty years another glimpse of the same tribunal is afforded us by a roll of six rotulets (Portf. 5, No. 29), which shows the business done in the years 1293–5. The more important entries on this document are here printed.

There is hardly any group of manors concerning the state of which in the thirteenth century we have so much information ready to hand as we have about the estates of the Abbey of Ramsey. Published in the Rolls Series we have the Chronicle of the Abbey and two volumes of the Cartulary of the Abbey—a third volume is to follow—and as regards the lands in the shires of Huntingdon and Cambridge the minute details that are given us by the manorial ' extents ' can be supplemented by the results of the royal inquest contained in the Hundred Rolls. This is one reason why the court rolls of this Abbey should be of no common value; but there is another reason, in order to state which a little must be said about the possessions of the Abbey.

On the eve of the Conquest Ramsey stood in the front rank of the English religious houses. In Domesday Book it appears as holding lands in seven shires. Many of these lands were claimed by it in later days under a charter of Edgar,[1] others

[1] Cart. Rams. ii. 51; Cod. Dip. A.-S. vol. iii. p. 104, marked by Kemble as spurious.

under a charter of the Confessor,[1] and whatever we may think of the 'books' that it produced, there can be no doubt that even in 1086 its title was already regarded as ancient:—'hoc manerium jacet et jacuit semper in dominio ecclesiae S. Benedicti'; such was the opinion of the Cambridgeshire jurors when the Conqueror's survey was in the making. And S. Benedict did not grow poorer; if he lost in some directions, he gained in others. His estates consisted in the first place of a solid block of manors lying in Huntingdonshire a little to the south of his Abbey—Sawtrey, Stukeley, Ripton, Upwood, Wistow, Warboys, Houghton, Wyton, Hemingford, Broughton, and yet more. Broughton, of which we take special notice, lay near the centre of this 'home estate,' some six miles from the Abbey. A little more distant but in the same shire lay Gidding, Weston, Brington, Bythorn and Ellington, from which we must distinguish another manor of Elton. Then in Cambridgeshire were Graveley, Elsworth, Knapwell, Over, Girton and Burwell; in Bedfordshire Cranfield, Barton, Shitlingdon, Pegsdon, Holywell; in Northamptonshire Hemington, Luddington, Barnwell, Duddington; there were manors at Therfield in Hertfordshire, at Lawshall in Suffolk, at Brancaster in Norfolk, at Cranwell in Lincolnshire. Now the Abbot seems to have kept a separate court for each of these manors; some selections from the rolls of these manorial courts will be given hereafter. But over and above these manorial courts he held a court at Broughton which we cannot call manorial. To this court all his freehold tenants were bound to come, or all of them who had tenements of any considerable size; some were bound to come to every session, and the court was usually adjourned from three weeks to three weeks; others came only to the two plenary sessions, the magnae curiae, held the one in the spring and the other in the autumn. The Cartulary (i. 41) contains a list of the suitors; this is not dated, but it belongs to the same age as the later of our two court rolls, as is proved by the occurrence of very many of the same names in both. It contains 114 names. Some of the suitors had to come long distances: for example, seven had to come from Lawshall, which lies in Suffolk a little south of Bury S. Edmunds, and nine had to come from Shitlingdon in Bedfordshire.

The reader perhaps will feel some disappointment after look-

[1] Cart. Rams. ii. 70; Cod. Dip. A.-S. vol iv. p. 143, marked by Kemble as spurious. See also writ of the Confessor. Cart. Rams. ii. 80; Earle, Land Charters, p. 343; Cod. Dip. A.-S. vol. iv. p. 208: passed by Kemble as genuine.

ing at the extracts here made from the rolls of this great court. The Abbot seems to have been at great and often fruitless pains to get suitors to attend, but when the court met it had next to no business to do. Meeting after meeting takes place at which nothing is done beyond receiving the excuses of those who do not attend, and issuing process against those who do not even take the trouble to make excuse. A few personal actions are heard, the homage and fealty of new tenants are received, some orders are issued as to feudal dues, reliefs and escheats, and the court seems to act as court for cases reserved in the manorial courts. Also, and this is a more important matter, provision has to be made for the military service that the King demands from time to time. The Abbot is bound to provide four knights, and (contrary to what is thought to have been the common practice) he has not split up his land into knights' fees so that on every occasion the same four tenants shall go to the war; no, he has many military tenants; they elect the four who are to serve on the particular occasion (the election being made in the court by the community, the *communa* of the tenants), while those who stay behind have to contribute towards the expenses of those who serve in person: the process by which the country was carved out into knights' fees seems in this case to have been arrested at an early stage.[1] To get the election made, to force the elected to serve and the electors to contribute, this was important business; but our excerpts will show that it was very difficult business:—the tenants will not come to court, will not serve when elected, and in the end the Abbot has to hire knights and squires as best he may. Even in this purely feudal province we see that the feudal court is a weak engine. What is an Abbot to do when among his tenants he has got so big a man as the Earl of Oxford? To go on distraining him? The distresses probably fall on the Earl's villans and the Earl himself pays no heed. In the end, if both parties be in earnest, the case must be brought before the king's court; but a feudal lord is really not very much of a lord if he must be constantly moving his overlord to interfere between him and his tenants.

It may deserve notice that even where definite knights' fees had been created, some scheme of election, rotation or drawing of lots must often have been necessary to decide who should actually do the service; and this because of the subdivision of the fee. Thus on the S. Alban's estates, we find a curious

[1] Chron. Ram. 212, 378, 379; Liber Niger, i. 257: Stubbs, Const. Hist. i. 262–3.

phrase in use. Each of the six knights' fees is split up among several tenants ; thus one is held by Richard Batchworth, the heirs of Brightwell, and Ralph of Mont Chensey ; for the war of 1302 ' corpus accidit super Bacheworthe,' the corporal service fell upon, fell to the lot of the tenement of Richard of Batchworth (Gesta Abbatum, ii. 45). We further discover that amongst these S. Alban's tenants the incidence of the ' corpus ' was decided by election ; each ' scutum ' or knight's fee elected a representative, and the other military tenants contributed to his expenses at the rate of six marks per knight's fee (Mat. Par. Chron. Maj. vi. 438).

A list of the Abbots of Ramsey taken from the Ramsey Chronicle may be of service to the reader :—1231 Randolf prior of Ramsey, 1253 William of Ocholt, 1254 Hugh of Sulgrave, 1267 William of Godmanchester, 1285 John of Sawtrey. It seems, however, that the abbatial years of Abbot John were reckoned from some day in the autumn of 1286. The restitution of the temporalities seems to have taken place in July 1286 (Rot. Pat. 14 Ed. I. m. 8. MS. Index), but John was still only Abbot elect.

[PLACITA IN CURIA ABBATIS RAMESIENSIS APUD BROUCTONAM.]

[1] **Curia de Broucton' die Martis proxima ante Purificationem Beate Marie anno eodem.**

Petrus de Leyham {essoniat se iij° de communi per Galfridum Beneyt [2]}.

Walterus de Gydd' attornatus Roberti de Styuecl' j° de eodem per Thomam filium Symonis.

Thomas filius Yuonis de Hyrst j° de eodem per Willelmum filium Ricardi.

Beatricia Gentil pro defalta distr' per unum equum et unum bovem, et per consideracionem curie preceptum est quod melius distringatur, ita scilicet quod tota hida *Tes. d* distringatur. Et postea ponitur in respectum ad peticionem Johannis de Baruwe quousque dominus B. le Moyne cum domino Abbate habuerit colloquium, et deliberata sunt averia interim.

Johannes de Olneye et Philippus filius Militis de Ripton' plegius ejus in misericordia ij. s. eo quod idem Johannes non venit ad legem recipiendam [3] de Richero de la Burne prius sibi invadiatam, et misericordia Ricardi le Ha*m*pter alii plegii ejus ponitur in respectum pro paupertate.

Robertus de Parentin distringitur per unum equum pro defalta, et non venit. Ideo per consideracionem curie preceptum est quod melius distringatur.

Magister Stephanus de Holewell' distringitur per unum

[1] Pub. Rec. Off. :—Augmentation Office Court Rolls, P. 5, N. 44. One strip of three membranes with writing on one side only. After the few concluding entries relating to some court, the date of which is not given, the roll begins as follows, and all the other entries are here printed. That the roll belongs to 1258 will appear below.

[2] The entry is partially struck out, probably because Peter of Leyham comes after all.

[3] The person against whom law has been waged ought to appear to receive the oath of the other party and his compurgators.

[PLEAS IN THE COURT OF THE ABBOT OF RAMSEY AT BROUGHTON.]

Court of Broughton on Tuesday next before the Purification of S. Mary in the same year [i.e. A.D. 1258].

Peter of Leyham essoins himself a third time of the common suit by Geoffrey Benet.

Walter of Gidding attorney of Robert of Stukeley a first time of the same [1] by Thomas Simon's son.

Thomas son of Ivo of Hurst a first time of the same by William Richard's son.

Beatricia Gentil for her default has been distrained by one horse and one ox, and by judgment of the court it is ordered that she be better distrained so that the whole hide of T. be distrained. Afterwards this matter is respited at the prayer of John of Barow until Sir B[erengar] le Moyne shall confer about it with the Lord Abbot, and in the meanwhile the beasts are delivered.

John of Olney and Philip the Knight's son of Ripton his pledge are in mercy, 2 s., for that John did not come to receive the law waged against him by Richer of the Burn, and the amercement of Richard le Hampter [John's] other pledge is respited on the score of poverty.

Robert of Parentin is distrained for his default by one horse and does not come. Therefore by judgment of the court it is ordered that he be better distrained.

Master Stephen of Holywell is distrained for his default

[1] This, like Peter's, is an essoin of the common suit, i.e. an excuse for non-attendance presented by one who has been summoned, not as a party to any action, but merely as a suitor of the court.

equum pro defalta. Non venit et per eandem consideracionem distringatur per melius plegium.

Ad curiam precedentem preceptum fuit distringere Robertum de Houcton' pro defalta et nichil inventum fuit per quod potuit distringi. Ideo preceptum est quod *idem Robertus* distringatur pro eodem.

Curia de Broucton' die Martis proxima ante Cathedram S. Petri anno domini H. Abbatis iiij°.[1]

Walterus de Gidd' attornatus Roberti de Styucl' asson' se ij° de communi per Johannem filium Johannis.

xij. d. Robertus de Parentin venit et fecit finem per xij. d. pro defalta sua.

Robertus de Houcton' distr' per vij. bidentes pro defalta non venit, ideo per consideracionem curie melius distringatur r' [2] de defalta.

Rogerus Heres de Cranfeld' queritur de Agnete de Stratford' et Elia filio ejus de iiij. s. iij. d. de arrer' redditus et hidagii per iiij. annos retent', et idem Rogerus affidavit quod pl' inveniet Ridemann' [3] cum apud Cranf' venerit, et preceptum est *attachiare dictam* Agnetem et Eliam filium suum. Pl' de prosequendo Willelmus filius Roberti. (Pl' de prosequendo Galfridus Rodland et Richerus de la Burne.)

Sewal de Heningfeld' non permisit homines suos nec braciatrices suas veniend' ad visum franci plegii ad curiam camerarii de Lausill' prout debent et solent. Ideo preceptum est quod si summon' fuerint quod distringantur veniend' ad proximam curiam ad audiendum judicium suum de defalta, ita quod si summon' testata fuerit racionabiliter.[4]

Johannes de Aylinton' [5] nondum solvit hidagium ad plenum et distr' per ij. equos, et preceptum est quod melius

[1] Hugh of Sulgrave became abbot in 1254; the date of this roll however will appear yet more clearly below.

[2] Probably *respondere.*

[3] The *Ridemannus* frequently mentioned on these rolls seems to have been the Abbot's riding bailiff. Cranfield is in Bedfordshire.

[4] Lawshall is in Suffolk; the manor there was assigned to the chamberlain of the abbey; Cart. Rams. ii. 219.

[5] The Abbot had a manor at Ellington and another at Elton. It seems that the latter is that which in these documents is called Aylintona. Thus in Cart. Rams. i. 490, it appears that Aylintona is on the river Nen; Elton is, Ellington is not.

by one horse and does not come. Therefore by judgment as aforesaid let him be distrained by a better pledge.

At the foregoing court order was given to distrain Robert of Houghton for his default and nothing was found whereby he might be distrained. Therefore it is [again] ordered that the said Robert be distrained for the same.

Court of Broughton on the Tuesday next before St. Peter's Chair[1] in the fourth year of Abbot H[ugh].

Walter of Gidding attorney of Robert of Stukeley essoins himself a second time of the common suit by John John's son.

Robert of Parentin comes and makes fine with 12 d. for his default.

Robert of Houghton distrained for his default by seven sheep does not come. Therefore by judgment of the court let him be better distrained to answer for his default.

Roger Eyre of Cranfield complains of Agnes of Stratford and Elias her son touching 4 s. 3 d. arrears of rent and hidage detained for four years, and Roger has pledged faith that he will find pledges [for prosecution] before the rideman when he shall come to Cranfield, and order is given to attach Agnes and her son Elias. Pledge to prosecute, William Robert's son. Pledges to prosecute, Geoffrey Rodland and Richer of the Burn.

Sewal of Haningfield has not permitted his men and his brewsters to come to the view of frank-pledge in the court of the Chamberlain [of the Abbey] at Lawshall as they ought and used to come. Ordered therefore that they be distrained to come to the next court to hear their judgment touching the default, provided that they were summoned, and that the summons be duly proved.

John of Elton has not yet paid the hidage in full and has been distrained by two horses. Ordered that he be

[1] This feast is 22 Feb.

distringatur et eciam distringatur pro transgressione facta hominibus Abbatis r' de transgressione.

Datus est dies curie in tres septimanas.

Curia de Broucton' die Martis in festo S. Gregorii anno eodem.[1]

Johannes de Aylinton' esson' se j° de placito transgressionis versus ball' domini Abbatis per Matheum filium Hugonis.

Rogerus Heres j° de placito debiti versus Agnetem de Stratford' et Elyam filium ejus per Symonem filium Lecie. Et Agnes summonita non venit. Ideo preceptum est attach' dictam Agnetem et Elyam.

Sewal' de Heningf' j° de placito transgressionis versus ballivum Camerarii per Radulfum filium Henrici.

Johannes de Baruwe attornatus domini B. le Moyne j° de communi per Galfridum filium Henrici.

Robertus de Houcton' distr' pro defalta non venit. Ideo per consideracionem curie melius distringatur r' de defalta.

Datus est dies curie magne in tres septimanas videlicet ad magnam curiam post Pascha.

Curia de Brouton' die Martis proxima post clausum Pasche anno eodem.[2]

Simon de Lauheshull essoniat se per Robertum filium ejus j° de communi.

Willelmus filius Roberti de eodem per Benedictum Garden' j°, war'.

Radulfus le Mareschal de eodem per Henricum filium Thome j°.

Hugo de Mulesho de eodem per Robertum Cissorem j°.

Ricardus de la Bere de eodem per Henricum filium Rogeri j°.

Radulfus de Tyvile de eodem per Willelmum filium Roberti j°.

[1] This feast, the 12th of March, was a Tuesday in 1258.

[2] In 1258 Easter fell on 24th March, so this court was held on 2nd April, three weeks after the last.

better distrained and that he be also distrained to answer for a trespass done to the Abbot's men.

A day is given the court three weeks hence.

Court of Broughton on Tuesday the feast of S. Gregory in the same year [A.D. 1258].

John of Elton essoins himself a first time against the Abbot's bailiff in a plea of trespass by Matthew Hugh's son.

Roger Eyre a first time against Agnes of Stratford and Elias her son in a plea of debt by Simon Lecy's son. Agnes is summoned and does not come. Ordered therefore that she and Elias be attached.

Sewal of Haningfield a first time against the bailiff of the Chamberlain in a plea of trespass by Ralph Henry's son.

John of Barow attorney of Sir B[erengar] le Moyne a first time of the common suit by Geoffrey Henry's son.

Robert of Houghton distrained for a default does not come. Therefore by judgment of the court be he better distrained to answer for his default.

A day is given for the great [half-yearly] court three weeks hence, that is for the great court after Easter.

Court of Broughton on Tuesday next after the close of Easter in the same year [A.D. 1258].

Simon of Lawshall essoins himself a first time of the common suit by Robert his son.

William Robert's son of the same by Benedict Gardener; first time; warranted.

Ralph Marshall of the same by Henry Thomas's son; first time.

Hugh of Mulcsho of the same by Robert Tailor; first time.

Richard de la Bere of the same by Henry Roger's son; first time.

Ralph of Tyville of the same by William Robert's son; first time.

Dominus Robertus de Comton' de eodem per Henricum filium Radulfi j°.

Robertus le Fugers de eodem per Willelmum Fugers j°.

Johannes attornatus domini Henrici de Engayne per Symonem filium Willelmi j°, war'.

Radulfus de Winton' de eodem per Thomam filium Willelmi j°, war'.

Thomas Freman de eodem per Robertum filium Hugonis j°.

Walterus de Grauele de eodem per Robertum filium ejus j°.

Robertus de Gravele de eodem per Radulfum filium Henrici.

Robertus de Parentein de eodem per Robertum filium Reginaldi j°, war'.

Willelmus attornatus Roberti de Stiuekel' de eodem per Johannem filium Walteri j°, war'.

Johannes de Harpefeud' de eodem per Robertum filium Reginaldi j°.

Michael de Brancestria de eodem per Alanum filium Hawysie j°.

Willelmus de Grava de eodem per Radulfum Witside j°, war'.

Alicia de Eliswurth' de eodem per Willelmum filium Everardi. Postea venit.

Godwinus Bere de eodem per Willelmum filium Roberti j°.

Ricardus le Porter de eodem per Johannem filium Willelmi j°, war'.

Galfridus Rodland de eodem per Johannem de Rauele j°.

Augnes de Stratford versus Rogerum de Dilewik' per Galfridum filium Mile de placito transgressionis j°.

Magister Stephanus de Holewell' de communi per Radulfum filium Andree j°.

Johannes de Barewe attornatus domini Berengeri j° de communi per Nicholaum filium Roberti.

Memorandum

Sewal de Henigfeud venit et promittit quod pro voluntate domini Abbatis et ad summonicionem ipsius veniet ubi

Sir Robert of Comton of the same by Henry Ralph's son; first time.

Robert of Fougeres of the same by William of Fougeres; first time.

John attorney of Henry of Engaine by Simon son of William; first time; warranted.

Ralph of Winton of the same by Thomas William's son; first time; warranted.

Thomas Freeman of the same by Robert Hugh's son; first time.

Walter of Graveley of the same by Robert his son.

Robert of Graveley of the same by Ralph Henry's son.

Robert of Parentin of the same by Robert son of Reginald; first time; warranted.

William attorney of Robert of Stukeley of the same by John Walter's son; first time; warranted.

John of Harpsfield of the same by Robert son of Reginald; first time.

Michael of Brancaster of the same by Alan Hawise's son; first time.

William Grove of the same by Ralph Whiteside; first time; warranted.

Alice of Elsworth of the same by William Everard's son. But afterwards she came.

Godwin Bere of the same by William Robert's son; first time.

Richard Porter of the same by John William's son; first time; warranted.

Geoffrey Rodland of the same by John of Raveley; first time.

Agnes of Stratford against Roger of Dilwick in a plea of trespass by Geoffrey Mile's son: first time.

Master Stephen of Holywell of the common suit by Ralph Andrew's son; first time.

John of Barow attorney of Sir Berengar [le Moyne] of he common suit by Nicholas Robert's son; first time.

Be it remembered that Sewal of Haningfield comes and promises that at the will and summons of the Abbot he

dominus Abbas voluerit ad satisfaciendum sibi et Camerario Rames' super detencione hidagii videlicet quod non respondet plene de hidagio duarum hidarum quas tenet de domino Abbate in Laushill'. Et memorandum quod hida ibi non continet nisi solummodo duas virgatas et unum quarterium terre. Promittit eciam dictus Sewal' ad satisfaciendum dicto Camerario super hoc quod non permisit braciatrices suas venire cum galon' suis ad visum franci plegii dicti Camerarii.

Rogerus le Eyr conqueritur de Elya de Stratford eo quod in pace domini Abbatis cepit et fugavit quatuor boves suos injuste et detinuit die Mercurii proxima ante festum S. Michaelis, unde nollet sustinuisse dampnum et dedecus pro dimidia marca, et producit sectam. Et Elyas defendit vim et injuriam etc. et dicit quod non tenetur ei respondere eo quod in narracione dicti Rog' non certificat de dicto die Mercurii, quo anno, nec de bobus, de quo precio, nec ubi mīa ipsos fugavit. Et quia dictus Rogerus insufficienter accul-pavit dictum Elyam ideo per consideracionem curie Elyas sine die recedit et Rogerus in misericordia. Richerus de la Burne plegius, et alios inveniet plegios apud Crantfeud.

Item Elyas de Stratford conqueritur de Rogero le Eyr de Crancfeud super transgressionibus matri sue et sibi factis. Et Rogerus defendit pud*orem* et dampnum domini Abbatis et petit liberas summoniciones suas, que ei conce-duntur.[1] Radulfus Wyking et Willelmus filius ejus plegii de prosequendo. Et dictus Rogerus *inveniat* plegios apud Crancfeud et ad hoc faciendum invadiavit tenementum suum et quod non vexabit tenentes domini Abbatis in curia Comitis Glovernie decetero.

Warinus de Terefeud attornatus domini Abbatis conqueritur de Johanne de Aylinton' eo quod contra homagium quod domino Abbati fecerat et contra fideli-tatem eidem factam tenuit quendam Johannem [2] ad nocendum sibi et hominibus suis in villa de Aylinton'

[1] Roger has come to the court as one who owes suit; he has not yet been summoned to answer the plaint of Elias. An attempt has been made to translate the phrase *liberas summoniciones*.

[2] This word seems plain.

will appear wherever the Abbot may require to make satisfaction to him and to the Chamberlain of Ramsey for the detention of hidage, to wit that he does not answer fully for the hidage of two hides which he holds of the Abbot at Lawshall. And be it remembered that there a hide contains but two virgates and a quarter. The said Sewal promises also to make satisfaction to the said Chamberlain for not having permitted his [Sewal's] brewsters to go with their gallons [1] to the Chamberlain's view of frank-pledge.

Roger Eyre complains of Elias of Stratford for that in the peace of the lord Abbot he took and drove off four oxen of his wrongfully and detained them on Wednesday next before Michaelmas, and Roger would not have sustained this damage and shame for a half-mark,[2] and he produces suit. And Elias defends tort and force etc. and says that he is not bound to answer, for that Roger in his count does not say in what year the said Wednesday was, nor of what price the oxen were, nor where he [Elias] drove them off. And for that the said Roger has insufficiently accused the said Elias, therefore by judgment of the court Elias goes without day and Roger is in mercy. Pledge, Roger of the Burn, and let him find other pledges at Cranfield.

Also Elias of Stratford complains of Roger Eyre of Cranfield for trespasses done to Elias and his mother. And Roger defends the shame and damage of the lord Abbot and craves that he may receive those due summonses to which every free man is entitled; and this is granted him. Ralph Wiking and William his son are pledges to prosecute, and Roger is to find pledges at Cranfield and puts his tenement in gage that he will do this and will not in future vex the Abbot's tenants in the court of the Earl of Gloucester [at Crawley near Cranfield [3]].

Warin of Therfield attorney of the lord Abbot complains of John of Elton, for that contrary to his homage and fealty done to the Abbot he keeps one John to the nuisance of [the Abbot] and his men in the vill of Elton

[1] The brewsters have to produce their measures in order that they may be compared with the standard.

[2] Other examples may be found of this mode of 'laying the damages.'

[3] More of this matter below, p. 65.

et alibi, unde de contencione quadam inter ipsos pax facta fuit per duas marcas (die Mercurii proxima post Assumpcionem Beate Virginis proximo preteritam [1]) unde dictus Johannes cepit triginta solidos et ita cepit xl. denarios injuste, quia per predictam pacem factam per duas marcas dictus Johannes manucepit acquietare dominum Abbatem et homines suos et conservare ipsos indempnes in curia domini Comitis Glovernie et alibi pro predicta contencione, unde nichil fecit nec dictam pacem tenuit (et unde homines domini Abbatis pro dicta contencione pluries post pacem factam fuerunt districti et injuste vexati) ad dampnum et dedecus domini Abbatis et hominum suorum x. marc., et ad hoc producit sectam. Et Johannes defendit vim et injuriam etc. et dicit quod (non) videtur ei quod {non} debeat dicto Warino respondere eo quod dictus Warinus nunquam factus fuit attornatus in presencia parcium. Et curia dicit quod ista exceptio nulla est quia dictus Warinus est generalis attornatus domini Abbatis in hundr' et comitatibus et in omnibus curiis in comitatibus Cantebrigie et Huntingdonie, et ideo respondeat per judicium curie. Et postea petit diem amoris ad satisfaciendum domino Abbati infra proximam curiam sequentem, dicta loquela tunc remanente in statu quo nunc est, nisi pax fuerit interim reformata.

Defalt' Comes Oxonie, Dominus W. de Wychenton' et Dominus W. de Bello Campo.

Datus est dies curie in tres septimanas.

Curia de Brouton' die Martis proxima ante festum S. Marci eodem anno.

Radulfus Marecallus essoniat se de communi per Robertum filium Willelmi ij°.

Ricardus de la Bere de eodem per Benedictum filium Johannis ij°.

Eustagius de Camvill' de eodem per Henricum filium Rogeri j°.

[1] These words are interlined.

and elsewhere, about whom a certain dispute having arisen, peace was made on the Wednesday next after the feast of the Assumption in the year last past, and the said John in respect of that agreement has taken [from the Abbot's men] 30 s., whereof 40 d. he took unjustly, since the agreement was that in consideration of 26 s. 8 d. John undertook to acquit the Abbot and his men and hold them harmless in the court of the Earl of Gloucester and elsewhere in the matter of the said dispute, and John has not fulfilled these terms or kept the said peace, and since it was made the Abbot's men have been many times distrained and unjustly vexed in the matter of the said dispute, to the damage and dishonour of the Abbot and his men 10 marks; and of this [Warin] produces suit. And John defends tort and force etc. and says that it seems to him that he is not bound to answer Warin, for that Warin was never appointed [the Abbot's] attorney in the presence of the parties. And the court says that this plea is null for Warin is the Abbot's general attorney in the hundred and county courts and in all courts in the shires of Cambridge and Huntingdon, and therefore the court adjudges that John do answer. Afterwards he craves a day of grace between now and the next court to make satisfaction to the Abbot, this action to remain in its present state in case peace be not made in the interval.

Defaults—the Earl of Oxford, Sir W[illiam] of Whiston, Sir W. Beauchamp.

A day is given the court three weeks hence.

Court of Broughton on Tuesday next before the feast of S. Mark[1] in the same year [A.D. 1258].

Ralph Marshall essoins himself of the common suit by Robert William's son; second time.

Richard de la Bere of the same by Benet John's son; second time.

Eustace of Camville of the same by Henry Roger's son; first time.

[1] This feast is 25 April, a Thursday in 1258.

Radulfus de Tyville de eodem per Johannem filium Roberti ij°.

Johannes de Bray de eodem per Hugonem filium Henrici j°.

Robertus Peverel de eodem per Robertum filium Ricardi j°.

Sawale de Hemigfeud' de eodem per Radulfum filium Henrici j°.

Johannes Rodlond de eodem per Simonem filium Walteri j°.

Johannes filius Clerit' de eodem per Willelmum filium Hugonis j°.

Johannes de Ayllenton' de eodem et versus ball' Abbatis per Matheum filium Hugonis j°.

Alyc' de Elisworth' de eodem per Willelmum filium Everardi j°.

Johannes de Gledeseye de eodem per Radulfum filium Radulfi j°.

Petrus de Leyham de eodem per Hugonem de Bayloyl j°.

Godinus Bere de eodem per Hervicum filium Eustagii ij°, war'.

Robertus Parentin de communi per Radulfum filium Stephani ij°.

Simon Payne de eodem per Warinum filium Gileberti ij°.

Richer de la Burne de eodem per Johannem filium Reginaldi j°.

Rogerus de Dilewik versus Augnetam de Straton [1] per Johannem filium Henrici j°.

Hugo de Mulesho de communi per Simonem filium Ricardi ij°.

Elyas de Straton' [2] versus Rogerum de Dilewik per Willelmum filium Ricardi j°.

Augneta de Stratford versus Rogerum de Dilewik per Willelmum filium Galfridi j°.

Robertus de Gravel de eodem per Thomam filium Warini ij°.

[1] *Sic.* [2] *Sic.*

Ralph of Tyville of the same by John Robert's son; second time.

John of Bray of the same by Hugh Henry's son; first time.

Robert Peverel of the same by Robert Richard's son; first time.

Sewal of Haningfield of the same by Ralph Henry's son; first time.

John Rodland of the same by Simon Walter's son; first time.

John Clerk's son of the same by William Hugh's son; first time.

John of Elton of the same and against the Abbot's bailiff by Mathew Hugh's son; first time.

Alice of Elsworth of the same by William Everard's son; first time.

John of Gledsey of the same by Ralph Ralph's son; first time.

Peter of Leyham of the same by Hugh Baliol; first time.

Godwin Bere of the same by Hervey Eustace's son; second time; warranted.

Robert Parentin of the common suit by Ralph Stephen's son; second time.

Simon Pain of the same by Warin Gilbert's son; second time.

Richer of the Burn of the same by John Reginald's son; first time.

Roger of Dilwick against Agneta of Straton by John Henry's son; first time.

Hugh of Mulesho of the common suit by Simon Richard's son; second time.

Elias of Straton against Roger of Dilwick by William Richard's son; first time.

Agneta of Stratford against Roger of Dilwick by William Geoffrey's son; first time.

Robert of Graveley of the same by Thomas Warin's son; second time.

Ricardus Gidding' de eodem per Willelmum filium Thome j°.

Johannes de Harpefeud' de eodem per Andream de Camera ij° | warantizavit.
Michael de Brancestria de eodem per Ricardum filium Briani ij° | warantizavit.

Galfridus Rodland' de eodem per Willelmum filium Hugonis ij°.

Robertus Fugers de eodem per Rogerum Trille ij°.

Willelmus de la Carnayle venit et optulit se ad faciendum homagium domino Abbati pro tenemento Thome Pyel, et dictus dominus Abbas noluit recipere homagium suum quia heres dicti Thome est infra etatem et quia sibi videtur quod warda de dicto herede sibi pertinet eo quod dictus Thomas Pyel de eo tenuit et per manum suam sibi fecit servicium pro tenemento suo et de hoc est in seisina etc. Et datus est dies dicto Willelmo usque ad proximam curiam ad monstrand' cartas suas etc.

([1] H. dei gracia Rex Anglie, Dominus Hybernie, Dux Normannie, Aquitanie et Comes Andegavie dilecto sibi in Christo Abbati de Rames' salutem. Quia Lewelinus filius Griffini terras nostras et Edwardi filii nostri nec non et aliorum fidelium nostrorum hostiliter aggressus ipsas contra homagium et fidelitatem nobis debitam occupare et devastare nequiter presumpsit, et dum nuper essemus in partibus Wallie in expedicione nostra contra predictum Lewelinum et complices suos inimicos nostros de consilio magnatum et fidelium nostrorum ibidem nobiscum existencium propter temporis tarditatem et hyemem supervenientem provisum fuit ut in estate futura cum pleno posse nostro ad expedicionem nostram ibidem revertamus, vobis mandamus in fide qua nobis tenemini firmiter injungentes quatinus die Lune proxima ante festum S. Johannis Baptiste scilicet per octo dies ante festum predictum ad ultimum sitis ad nos apud Cestriam cum servicio vestro nobis debito, parati

[1] What follows is taken from a copy of the King's writ which is sewn to the side of the roll.

Richard of Gidding of the same by William Thomas's son; first time.

John of Harpsfield of the same by Andrew Chambers; second time
Michael of Brancaster of the same by Richard Brian's son; second time } warranted.

Geoffrey Rodland of the same by William Hugh's son; second time.

Robert of Fougeres of the same by Roger Trille; second time.

William de la Carnayle came and offered himself to do homage to the Abbot for the tenement of Thomas Pyel, and the Abbot would not receive his homage because the heir of the said Thomas is within age and because it seems to him that the wardship of the said heir belongs to him [the Abbot] since the said Thomas Pyel held of him and by his [Thomas's] hand did to him [the Abbot] the service due from his tenement, and of this [service] he [the Abbot] is in seisin etc. A day is given the said William at the next court to produce his charters etc.

(Henry by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine and Count of Anjou to his beloved in Christ the Abbot of Ramsey greeting: Whereas Llewelyn son of Griffin having hostilely attacked the lands of us and of Edward our son and of other our faithful people, has wickedly presumed to occupy and devastate them contrary to the homage and fealty that he owes to us, and whereas when of late we made an expedition into the parts of Wales against the said Llewelyn and his accomplices our enemies, by the counsel of our magnates and faithful people who were there with us, it was provided, owing to the lateness of the season and the approach of winter that in the next summer we should return thither to our expedition with our full power; we command you by the faith in which you are bound to us firmly enjoining you that on Monday next before the feast of S. John Baptist namely a week before the said feast at latest you be with us at Chester with your service that is due to us prepared

exinde nobiscum proficissi in expedicionem nostram contra predictum Lewelinum et prefatos complices suos rebelles nostros, et quia auxilio vestro specialiter in instanti necessitate indigemus, vobis mandamus sub confidencia quam de vestra dilectione gerimus attente rogantes, quatinus taliter et tam decenter ad nos veniatis, ut dictorum rebellium nostrorum versucia adeo potenter vestro et aliorum fidelium nostrorum auxilio reprimi valeat quod tam nobis quam vobis cedat ad honorem, et nos vobis exinde perpetuo teneamur ad grates. Teste meipso apud Westmonasterium xxviij. die Decembris anno regni nostri xlij°.)

Preceptum domini Regis venit ad istam curiam et quia curia tenuis erat datus est dies in tres septimanas ad perficiendum dictum preceptum domini Regis.

Datus est dies curie in tres septimanas.

Curia de Brouton' die Martis in septimana Pentecostes eodem anno coram Domino Abbate, Magistro G. de Whepsted', S. de Hocton', G. Rodland, R. de Feugeres, Thoma de Beynvile, Sewal' de Henigf' et aliis.

Dominus Robertus de Comton' de communi per Willelmum filium ejus j°.

Ricardus de la Bere de eodem per Robertum filium Hugonis iij°.

Robertus Morel de eodem per Johannem filium Radulfi j°.

Mauricius de Weston' de eodem per Johannem filium Jocelini j°.

Willelmus Vicarius de S. Yvone de eodem per Willelmum Russel j°.

Simon Heres de eodem per Ricardum filium Alani j°.

Johannes Barue attornatus domini Berengeri le Moyne de eodem per Stephanum Burel j°.

to go thence with us in our expedition against the said Llewelyn and his said accomplices rebels against us, and for that we specially need your aid in this pressing necessity, we command you in the confidence which we have in your love, earnestly begging you to come to us in such wise and so honourably appointed that the craft of the said rebels may be so potently repressed by the aid of you and of other our faithful people that it may yield honour both to us and to you, and that we may therefore be bound in perpetual gratitude to you. Witness myself at Westminster the 28th day of December in the forty-second year of our reign.)

The [above] command of our lord the King came to this court and because the court was thinly attended a day was given three weeks hence for fulfilling the King's said command.

A day is given the court three weeks hence.

Court of Broughton on Whit Tuesday in the same year before the Lord Abbot, Master G. of Whepstead, S. of Houghton, Geoffrey Rodland, Robert of Fougeres, Thomas of Beinville, Sewal of Haningfield and others.

Sir Robert of Comton essoins himself of the common suit by William his son ; first time.

Richard de la Bere of the same by Robert Hugh's son ; third time.

Robert Morel of the same by John Ralph's son ; first time.

Maurice of Weston of the same by John Joscelin's son ; first time.

William the vicar of S. Ives of the same by William Russel ; first time.

Simon Eyre of the same by Richard Alan's son ; first time.

John Barow attorney of Sir Berengar le Moyne of the same by Stephen Burel ; first time.

Petrus de Leyham de eodem per Galfridum filium Benedicti ij°.

Eustachius de Camvill' de eodem per Robertum filium Ricardi ij°.

Willelmus de Grava de eodem per Willelmum filium Hugonis j°.

Robertus de Hotton' de eodem per Ricardum de Pappewurth j°.

Radulfus le Marescal iij. de eodem per Simonem Stripling.

{Thomas de Grancurt j° de eodem per Walterum filium Ricardi} quia venit.

Rogerus de Dilewyk ij° de placito versus Agnetem de Strafford et Elyam de Strafford' per Warinum filium Gileberti.

Augnes de Strafford iij° versus Rogerum de Dylewyk de placito per Willelmum filium Jocelini. Et Elyas se opponit versus dictum Rogerum.

Richerus de la Burne ponit loco suo Walterum filium et heredem suum ad sectam pro eo faciendam usque ad annum completum.

Omnes milites et libere tenentes de curia de Broucton' elegerunt {dominum Berengerum le Moyne} (Sewale de Heningefeud[1]) dominum J. de Cancia, Selvestrem Lenveyse et Radulfum de Tyvill' ad servicium iiij. militum ad presens faciendum domino Regi pro domino Abbate Rames' et communa curie versus Walliam. Et Radulfus de Tyvill' presens fuit et dedicit quod ad presens non debet servicium et tota curia dicit quod id dedicere non potest, eo quod dominus Abbas est in saysina dicti servicii. Ideo per consideracionem curie distr' veniend' in xv. dies ad proximam curiam promptus et paratus ad predictum servicium faciendum. Dominus Berengerus le Moyne, dominus J. de Cancia et Selvester Lenveyse non venerunt. Ideo per consideracionem curie distringantur veniend' in xv. dies ad proximam curiam prompti et parati ad predictum servicium

[1] This name has been substituted for that of Berengar le Moyne.

Peter of Leyham of the same by Geoffrey Benet's son; second time.

Eustace of Camville of the same by Robert Richard's son; second time.

William of Grove of the same by William Hugh's son; first time.

Robert of Hotton of the same by Richard of Papworth; first time.

Ralph Marshal of the same by Simon Stripling; third time.

Thomas of Grancourt of the same by Walter Richard's son; first time. Afterwards he comes.

Roger of Dilwick a second time in a plea against Agnes of Strafford and Elias of Strafford by Warin Gilbert's son.

Agnes of Strafford a third time in a plea against Roger of Dilwick by William Jocelin's son. Elias [her son] appears against the said Roger.

Richer of the Burn puts in his place his son and heir Walter to do suit for him for a year.

All the knights and freeholders of the court of Broughton have chosen Sir Berengar le Moyne (afterwards they substitute for him Sewal of Haningfield), Sir J. of Kent, Silvester L'Enveyse and Ralph of Tyville to do for this occasion in the Welsh war the service of four knights due to the king on behalf of the Abbot of Ramsey and the commonalty of [this] court. And Ralph of Tyville was present and denies that on this occasion he owes service; and the whole court says that he cannot [be heard to] deny this, for that the Abbot is in seisin of the said service. Therefore by judgment of the court let him be distrained to come a fortnight hence at the next court ready and willing to do the said service. Sir Berengar le Moyne, Sir J. of Kent, and Silvester L'Enveyse have not come. Therefore by judgment of the court let them be distrained to come a fortnight hence at the next court ready and willing

faciendum. Et tota curia dicit quod quilibet dictorum quatuor militum postquam positus fuerit in constabulariam debet capere quolibet die quadraginta dierum ad presens iiij. sol. propter caritudinem temporis dum stant in servicio domini Regis per dictos xl. dies. Et assidet tota curia ad presens ad expensas dictorum iiij. militum electorum ad quamlibet hydam ij. sol. ita quod medietas ad presens persolvatur apud Broucton' in xv. dies ad proximam curiam.[1]

Willelmus de la Kernayll' venit et[2] plen' cur' et fecit homagium et feod' domino Abbati pro terra scil. j. hyda et dim. quam Thomas de Lindeseya et antecessores sui quondam tenuerunt in Ysham de Abbacia de Rames' per servicium unius equi de precio x. sol. selle sumer' unius sacci et ky*u*ill'[3] in exercitum cum dominus Rex iter suum arripuerit et totum predictum servicium dictus Willelmus in plena curia concessit preter hoc quod (non) tenetur dare hidagium pro dicto tenemento, quod erit inquisitum per totam curiam.

[4] Johannes de Aylinton' comparuit et petiit diem amoris ad satisfaciendum domino Abbati infra proximam curiam sequentem ita quod dicta loquela remaneat in eodem statu quo prius, nisi pax fuerit interim reformata, ita quod non intret bladum domini Abbatis nec hominum suorum cum tauro suo nec cum verre nec cum aliis averiis suis ad pascendum.

Def' Comes Oxonie dominus W. de Bello Campo, dominus W. de Wychenton', et per consideracionem curie isti distringantur veniendi ad proximam curiam.

Robertus de Feugeres ponit loco suo Robertum de Over' ad sectam pro eo faciendam usque ad annum completum.

Datus est dies curie in xv. dies.

[1] In the Ramsay Cartulary, ii. 295, is a writ of 1268, in which the King acknowledges that the Abbot has discharged his service of providing four knights for forty days. For the call to arms in 1258, which caused many murmurings, see Mat. Par. Chron. Maj. v. 677; the *caritudo temporis* is attested, ibid. 673; it was little short of famine.

[2] Corr. *in*.

[3] As to this word, see Glossary.

[4] See above, p. 56.

to do the said service. And the whole court says that each of the said four knights after he has been placed in a squadron ought to receive every day for the forty days during which he is in the King's service four shillings, that sum being at present the fair rate owing to the dearness of the times. And the whole court at present assesses two shillings on every hide for the expenses of the said four knights, of which sum one half is to be paid at once at Broughton a fortnight hence at the next court.

William de la Carnayle came into full court and did homage and fealty to the Abbot for the land, to wit one hide and a half, which Thomas of Lindsay and his ancestors sometime held of the Abbey of Ramsey in Isham by the service of providing for the army when the King shall make an expedition one horse, price 10 s., a sumpter saddle and a sack and fastening pin [for the transport of baggage] and the said William in full court acknowledged the whole of the said service, except that he did not admit that he owed hidage for the said tenement, and about this point inquest must be made by the whole court.

John of Elton came and craved a day of grace that he might make satisfaction to the Abbot before the next court, the Abbot's suit against him being to remain in its present state in case a compromise should not be made in the interval, and he being bound not to enter on the crops of the Abbot or of the Abbot's men with his bull or his boar or other beasts of his for the purpose of pasture.

Defaults—the Earl of Oxford, W. Beauchamp, Sir W. of Whiston. By judgment of the court let them be distrained to come to the next court.

Robert of Fougeres puts in his place Robert of Over to do suit for him for a year.

A day is given the court a fortnight hence.

Curia de Broucton' die Martis proxima post festum S. Augustini anno predicto mense Mayi coram S. de Houcton'.

Henricus de Styucel' esson' se j° de communi per Johannem filium Gocelini.

Thomas de Hyrst j° versus Rogerum filium Alani de placito terre per Robertum filium Radulfi.

Elyas de Stratford' j° versus Rogerum de Dylewyk de placito terre per Thomam filium Nicholai.

Agnes de Stratford' iiij° de servicio domini Regis versus eundem Rogerum per Radulfum filium Roberti.

Rogerus de Dylewyk iiij° versus Agnetem de Stratford' et Elyam filium suum de placito terre per Thomam filium Willelmi.

Johannes de Aylinton' versus Warinum attornatum domini Abbatis de placito terre per Matheum filium Hugonis. Et Warinus se optulit versus dictum Johannem et calumpniat esson' desicut ad proximam curiam precedentem idem Johannes manucepit veniend' ad istam curiam sine esson' vel pacem interim reformare cum dicto domino Abbate.

Gilebertus Fraser j° de communi per Vincencium filium Bartholomei.

Magister Stephanus de Holewell' j° de communi per Walterum de Holewell'.

Petrus de Ley{ham iij° de} eodem per Alanum filium Mayn. Venit.

Willelmus de la Kernayll' venit in plenam curiam et optulit servicium suum versus Walliam videlicet unum equum de precio x. sol. sellam sumer*i* et saccum cum kyi*u*ll' [1] ad hernes' milit' euncium versus Walliam portand' pro terra sua quam tenet de Abbate de Rames' in Isham videlicet j. hyda et dimidia.

Bartholomeus filius Michaelis de Wardeb' ponit loco suo

[1] For this word, see Glossary.

Court of Broughton on Tuesday next after the feast of S. Augustin [1] in the month of May in the same year before S. of Houghton.

Henry of Stukeley essoins himself a first time of the common suit by John Jocelin's son.

Thomas of Hurst a first time in a plea of land against Roger Alan's son by Robert Ralph's son.

Elias of Stratford a first time in a plea of land against Roger of Dilwick by Thomas Nicholas's son.

Agnes of Stratford against the same Roger by Ralph Robert's son; fourth essoin on the score of being in the king's service.

Roger of Dilwick a third time in a plea of land against Agnes of Stratford and Elias her son by Thomas William's son.

John of Elton a first time in a plea of land against Warin the Abbot's attorney by Matthew Hugh's son. And Warin appears against the said John and challenges the essoin on the ground that at the last court John undertook to come to this court without having recourse to an essoin, or else to come to a compromise in the meantime with the Abbot.

Gilbert Fraser of the common suit by Vincent Bartholomew's son; first time.

Master Stephen of Holywell of the common suit by Walter of Holywell; first time.

Peter of Leyham of the same by Alan Mayn's son. Afterwards he comes.

William de la Carnayle came into full court and offered his due service for the Welsh war, to wit a horse, price 10 s. a sumpter saddle and a sack with a fastening pin, for the purpose of carrying the harness of the knights who are going to Wales, this being the service due for the land, namely a hide and a half, which he holds of the Abbot of Ramsey in Isham.

Bartholomew son of Michael of Warboys by leave of the

[1] This feast is 26 May.

Willelmum fratrem suum ad sectam pro eodem faciendam per concessionem domini Abbatis.

Reginaldus de Fenton' de Wardeb' venit et inculpavit Robertum filium Hawysie eo quod domum suam fregit et intravit et pannos suos nequiter asportare voluit. Et super hoc facta est inquisicio per vicinos. Qui dicunt secundum sacramentum suum quod dictus Robertus non intravit domum dicti Reginaldi racione asportandi pannos suos immo racione pan' manducand'. Ideo per consideracionem
mīa curie traditus est capitali plegio suo et villat' ad illum habendum ad justiciam si quid mali de cetero faciat, et dictus Reginaldus pro falsa secta sua in misericordia.[1]

Dominus Berengerus le Moyne, dominus J. de Cancia, Selvester Lenveyse et Radulfus de Tyvill' distr' pro servicio faciendo versus Walliam, non venerunt parati facere quod facere debuissent prout consideratum fuit per totam curiam precedentem. Preceptum est illos distr' per mel' distr' ita quod sint apud Brocton' in viij. dies parati eund' versus Walliam.

Walterus filius Galien' queritur de Radulfo de Wynton' de sanguine effuso. Plegii de prosequendo Benedictus Prepositus[2] et Alexander filius Richemanni et preceptum est attach' dictum Radulfum.

Datus est dies curie in tres septimanas et datus est dies quod omnes qui debent servicium per corpora veniant in octo dies.

Plegii domini J. de Cancia, Johannes Carpentarius, Willelmus Horold, Johannes Teband' et Galfridus ad Ripam.

Dominus Berengerus le Moyne venit et dixit precise quod non ad presens debet servicium in exercitum cum domino Rege, desicut electus fuit per pares suos ad servicium faciendum versus Walliam.

[1] This case does not look like one that concerned any of the freehold suitors; it deals with an event in humble life.

[2] Probably the reeve is a villan.

Abbot puts in his place his brother William to do his suit for him.

Reginald Fenton of Warboys came and accused Robert Hawise's son, for that he broke his house and entered and would wickedly have carried away his clothes. And upon this matter an inquest of the neighbours was made. And they say upon their oath that the said Robert did not enter the house of the said Reginald for the purpose of carrying off his clothes but for the purpose of eating bread. Therefore by judgment of the court [Robert] is handed over to his chief pledge and to the township that they may have him to justice in case he should do any wrong hereafter, and the said Reginald is in mercy for his false suit.[1]

Sir Berengar le Moyne, Sir J. of Kent, Silvester L'Enveyse and Ralph of Tyville distrained to do service in the Welsh war have not come prepared to do their service in accordance with the judgment of the court at its last session. It is ordered that they be distrained by better distresses so that they be at Broughton this day week ready to start for Wales.

Walter Galien's son complains of Ralph of Winton of blood drawn. Pledges to prosecute, Benet Reeve and Alan Richman's son, and order is given to attach the said Ralph.

A day is given the court three weeks hence and a day is given a week hence on which all who owe corporal service [for the war] are to come.

Pledges of Sir J. of Kent, John Carpenter, William Horold, John Teband and Geoffrey at Bank.

Sir Berengar le Moyne came and said in so many words that he does not on this occasion owe any service in the King's army; whereas in truth he has been elected by his peers to do service against Wales.

[1] This case from low life probably comes before the court at Broughton as a case reserved in the manorial court of Warboys.

Curia apud Broucton' die Martis proxima ante festum S. Johannis Baptiste anno eodem.

Henricus de Styuecl' esson' se ij° de communi per Thomam filium Willelmi.

Radulfus de Wynton' esson' se j° versus Walterum filium Galien' de Upwod' de bateria per Johannem filium Apsalonis.

Johannes de Aylinton' esson' se ij° versus Warinum attornatum domini Abbatis de placito transgressionis per Robertum filium Henrici.

Ełyas de Stratford queritur de Rogero de Dylewyk eo quod ad Gulam Augusti proximo preteritam vendere debuisset subboscum Agnetis matris sue qui ei contingit nomine dotis sue, quod dictus Rogerus de Dilewyk ei non permisit immo ei deforciavit omnino et cepit et capere fecit per prepositum domini Abbatis Rames' unum equum suum in dampnum ejusdem Agnetis matris sue xx. sol. [et [1]] dictum equum in curia Abbatis detinuit et detinere fecit a die Martis proxima post Gulam Augusti usque ad diem Lune proximo sequentem de quibus xx sol. satisfecit idem Elyas matri sue. Insuper idem Elyas queritur de eodem Rogero eo quod se querebatur de eodem Elya in curia Comitis Glovernie et fecit Hugonem de Che*u*al ballivum dicti Comitis et Robertum hominem suum intrare feodum domini Abbatis et ij. equos et ij. boves ejusdem Elye de precio xl. s. de quibus satisfecit matri sue quos habuit in custodia de matre sua Agnete predicta capere et fugare in alium comitatum a feodo domini Abbatis usque ad feodum domini Comitis Glovernie in comitatu de Bukingham ad domum Willelmi de Radewell' in Crawel' [2] et ibidem detinere contra vadium et plegium a die Martis proxima ante Pascha usque ad diem Lune proximo sequentem ita quod dictos equos et boves habere non potuit quousque invenit pl' ad respondendum in curia dicti Comitis ad dampnum et dedecus dicti Elye

[1] This word is not on the roll.

[2] The scene of the distraint seems to be the Abbot's manor of Cranfield in Bedfordshire, which lies close to Crawley in Buckinghamshire.

Court at Broughton on Tuesday next before the feast of S. John Baptist in the same year [A.D. 1258].

Henry of Stukeley essoins himself a second time of the common suit by Thomas William's son.

Ralph of Winton essoins himself a first time in an action of battery against Walter son of Galien of Upwood by John son of Apsalon.

John of Elton essoins himself a second time in a plea of trespass against Warin the Abbot's attorney by Robert Henry's son.

Elias of Stratford complains of Roger of Dilwick for that on the 1st of August last when he [Elias] was about selling the underwood of his mother Agnes, which belonged to her by reason of her dower, the said Roger would not permit him but deforced him altogether and took and caused the Abbot's reeve to take her horse, to her damage 20 s., and detained and caused to be detained the said horse in the Abbot's court from the Tuesday after the 1st of August until the Monday following, and Elias made good the said 20 s. to his mother.[1] Also the said Elias complains of the said Roger for that he complained of the said Elias in the court of the Earl of Gloucester and caused Hugh of Cheval the bailiff of the Earl and Robert his man to enter the fee of the lord Abbot and to take thence two horses and two oxen of the said Elias of the price of 40 s. which he [Elias] had to make good to his mother Agnes since they were in his custody, and to drive them off into another county from the fee of the Abbot to the fee of the Earl of Gloucester in Buckinghamshire to the house of William of Radewell at Crawley and there to detain them against gage and pledge from the Tuesday next before Easter until the Monday following, so that he [Elias] could not have the said horses and oxen until he found pledges to answer in the court of the same Earl, [all of which was] to the damage and dishonour of the said Elias 100 s. And Roger defended tort

[1] The plaintiff tries to show that he was damaged, because he was answerable to his mother.

c. sol. Et Rogerus defendit vim et injuriam et dixit quod noluit respondere desicut S. de Houcton'[1] eidem dedit diem ad pacem reformandam quando ivit versus Oxoniam. Et super hoc dictus Elyas peciit judicium et idem Rogerus subtraxit se et in despectu curie abiit. Ideo per consideracionem curie distringatur veniend' ad proximam curiam ad audiendum judicium suum et similiter plegii sui distringantur quia non habuerunt quem plegiaverunt, scil. Galfridus Rodland' et Richerus de la Burn'.

Datus dies curie in tres septimanas.

Curia apud Broucton' die Martis proxima ante festum S. Benedicti anno eodem in presencia S. de Houcton'.

Esson' Elyas de Stratford' j° versus Rogerum de Dylewyk de placito terre per Thomam filium Willelmi.

Rogerus de Dylewyk j° versus Elyam de Stratford' et alios de eodem per Willelmum filium Johannis.

Walterus de Gidding' attornatus R. de Styecl' j° de communi per Johannem filium Walteri.

Johannes de Aylinton' iij° versus Warinum attornatum domini Abbatis de placito terre per Ricardum filium Johannis.

Thomas filius Yvonis j° de communi per Willelmum filium Gileberti.

Walterus de Upwod' j° versus Radulfum de Wynton' de sanguine effuso per Elyam de Theref'.

Radulfus de Wynton' venit infra aulam in qua curia tenebatur et postea se subtraxit et pro se misit essoniatorem et ballivus esson' calumpniavit dicens quod esson' nulla fuit eo [quod[2]] visus fuit infra dictam aulam. Ideo per consideracionem curie dictus Radulfus distringatur quia non venit quando vocatus fuit ad audiendum judicium suum.

Apsalon de Broucton' falso presentavit esson' pro Radulfo de Wynton' et eciam fecit illum subtrahere quando

[1] Apparently the Abbot's steward who went about the country holding courts in the various manors.

[2] *quod* is not on the roll.

and force and said that he would not answer as S. of Houghton gave him a day for making a compromise when he went to Oxford. Whereupon the said Elias craved judgment, and the said Roger withdrew himself and went away in despite of the court. Therefore by the judgment of the court let him be distrained to come to the next court to hear his judgment and likewise let his pledges be distrained for not producing him whom they had pledged, to wit Geoffrey Rodland and Richer of the Burn.

A day is given the court three weeks hence.

Court at Broughton on Tuesday next before the feast of S. Benedict[1] in the same year [1258] in the presence of S. of Houghton.

Elias of Stratford essoins himself a first time in a plea of land against Roger of Dilwick by Thomas William's son.

Roger of Dilwick a first time against Elias of Stratford and others for the same by William John's son.

Walter of Gidding attorney of R. of Stukeley of the common suit of John Walter's son; first time.

John of Elton in a plea of land against Warin the Abbot's attorney by Richard John's son; third time.

Thomas Ive's son of the common suit by William Gilbert's son; first time.

Walter of Upwood in a plea of blood drawn against Ralph of Winton by Elias of Therfield; first time.

Ralph of Winton came into the hall in which the court was holden and afterwards withdrew himself and sent one to essoin him, and the bailiff challenged the essoin saying that the essoin was null because Ralph had been seen inside the hall. Therefore by judgment of the court let the said Ralph be distrained for he did not come when he was called to hear his judgment.

Apsalon of Broughton falsely presented an essoin for Ralph of Winton and also caused him to withdraw himself

[1] The Translation of S. Benedict is 11 July.

mīa debuit apparere. Ideo idem Apsalon in misericordia. Plegius Gocelinus de Broucton'.

Def' Nicholaus Gernun, terra Apsalonis de Haliwell, Willelmus Heres, Robertus de Houcton. Et per consideracionem curie distringantur.

Datus est dies curie in tres septimanas.

Curia apud Broucton' die Martis proxima ante Gulam Augusti anno eodem.

Nicholaus Gernun esson' se j° de defalta per Willelmum de Aula.

Berengerus le Moyne j° de communi per Bartholomeum Carectarium.

Rogerus de Dylewyk ij° versus Elyam de Stratford' de placito terre per Johannem filium Hugonis.

Elias de Stratford' ij° versus Rogerum de Dylewik de eodem per plegium Willelmum filium Hugonis. Warentizavit.

Gocelinus de Broucton' queritur de Willelmo filio Henrici prepos' de Broucton' et Radulfo fratre suo de bateria. Plegius de prosequendo, Elyas Hundredar'. Et preceptum est attachiare dictos Willelmum et Radulfum veniend' ad proximam curiam inde r'.

Radulfus de Wynton' optulit se ad war' esson' suam et responsum fuit ei per ballivum quod esson' sua non fuit allocata [1] ad proximam curiam precedentem eo quod visus fuit infra aulam curie. Et Radulfus dixit quod esson' ei de jure allocari debuit, desicut non fuit infra iiij. parietes aule. Et super hoc ballivus et Radulfus se ponunt in veredictum curie, et pro tenuitate curie ponitur in respectum usque ad proximam curiam.

Item idem Radulfus optulit se versus [2] Walterum de
mīa Upwod', et Walterus non venit, ideo per consideracionem curie idem Walterus et plegii sui in misericordia, et Radulfus recessit quietus et distringatur veniend' ad proximam curiam ad finem faciendum de misericordia.

Gocelinus de Broucton' queritur de Johanne Randulph'

[1] The scribe uses *essonia* as a nominative singular.
[2] *versus*, repeated.

when he ought to have appeared. Therefore Apsalon is in mercy; pledge, Jocelin of Broughton.

Defaults—Nicholas Gernon, the land of Apsalon of Holywell, William Eyre, Robert of Houghton. By judgment of the court let them be distrained.

A day is given the court three weeks hence.

Court at Broughton on Tuesday next before the first of August in the same year [1258].

Nicholas Gernon essoins himself of a default by William of the Hall; first time.

Berengar le Moyne of the common suit by Bartholomew Carter; first time.

Roger of Dilwick in a plea of land against Elias of Stratford by John Hugh's son; second time.

Elias of Stratford for the same cause against Roger of Dilwick by William Hugh's son; second time; warranted.

Jocelin of Broughton complains of William Henry's son the reeve of Broughton and Ralph his brother of battery. Pledge to prosecute, Elias Hundredor. Order is given to attach the said William and Ralph to come to the next court to answer for this.

Ralph of Winton appeared to warrant his essoin and it was answered to him by the bailiff that at the last preceding court his essoin was disallowed because he was seen inside the hall of the court. And Ralph said that by rights the essoin ought to have been allowed him since he was not within the four walls of the hall. And as to this the bailiff and Ralph put themselves upon the verdict of the court; and because the court is thinly attended the case is respited to the next court.

The said Ralph appears against Walter of Upwood, and Walter does not come; therefore by judgment of the court the said Walter and his pledges are in mercy and let him be distrained to come to the next court to make fine for his amercement; and Ralph goes quit.

Jocelin of Broughton complains of John Randolph

de *terra*, et de licencia ballivi concordati sunt ita quod
xij. d. dictus Johannes se ponit in misericordiam xij. d. plegius Elyas.

Robertus Morel tenens terram quondam Apsalonis de Haliwell' fecit defaltam ad proximam curiam precedentem. Ideo se ponit in misericordiam vj. d. et Willelmus Heres
xij. d. pro terra sua pro eodem in misericordiam vj. d. Plegius alter alterius, et ponitur in respectum usque ad proximam curiam.

Ricardus Ulf distr' pro defalta ad proximam curiam precedentem venit et posuit se in veredictum tocius curie et villate de Hirst tam villan'[1] quam liber' quod nullam sectam ad curiam de Broucton' debet nisi bis per annum et ad afforciamentum curie.

Robertus de Houcton' fecit defaltam. Ideo preceptum est distringere illum veniend' inde r'.

Ricardus Benethetun de Parva Stiuecl' juravit tactis sacrosanctis in plena curia quod in tempore domini Rannulphi Abbatis xx. s. solvit fratri W. de Acholt' in gersum' pro xxx. acris terre de feodo Lenveyse et xx. s. apud Rames' pro eodem[2] in presencia Henrici de Styuecl' et Vincencii Marescalli de Glatton', qui idem in plena curia tactis sacrosanctis juraverunt.

Def' Comes Oxonie, Willelmus de Bello Campo.

Datus est dies curie in unum mensem.[3]

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[4] Curia de Brocton' die Martis proxima ante festum S. Trinitatis anno regni Regis Edwardi xxi° et J. Abbatis vii°.[5]

Esson' Alexander de Rypton' de communi per Robertum de Stiukele ij°.

[1] This does not imply that the villans of Hurst were suitors to the court of Broughton.

[2] *Sic.*

[3] Here ends the roll that we have been using. Many years elapse before we get another record.

[4] Pub. Rec. Off.—Augmentation Office Court Rolls, P. 5, N. 29; a roll of 6 rotulets, which apparently should be read in the following order, viz. 1, 2, 5, 4, 3, 6; this order we follow.

[5] All the proceedings of this court are here printed.

touching land; and by licence of the bailiff a concord was made on the terms that John puts himself in mercy, 12 d.; pledge, Elias.

Robert Morel who holds the land sometime of Apsalon of Holywell made default at the last preceding court. Therefore he puts himself in mercy, 6 d., and William Eyre is in mercy for the same cause as to his land, 6 d.; each is pledge for the other, and the amercement is respited to the next court.

Richard Ulf distrained for his default at the last preceding court came and put himself upon the verdict of the whole court and of the township of Hurst both villans and free men that he owes no suit to the court of Broughton save twice a year and to afforce the court.

Robert of Houghton made default. Therefore order is given to distrain him to answer for it.

Richard Beneathtown of Little Stukeley swore on the gospels in full court that in the time of Abbot Randolph he paid 20 s. to Brother William of Ocholt[1] by way of fine for 30 acres of land of the fee of L'Enveyse and 20 s. at Ramsey for the same in the presence of Henry of Stukeley and Vincent Marshall of Glatton, who have sworn the same in full court upon the gospels.

Defaults—the Earl of Oxford, William of Beauchamp.

A day is given the court a month hence.

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Court of Broughton on Tuesday next before Trinity Sunday in the twenty-first year of King Edward and the seventh year of Abbot John [A.D. 1293].

Alexander of Ripton essoins himself of the common suit by Robert of Stukeley; second time.

[1] Abbot Randolph died in 1253, and was succeeded by William of Ocholt.

Thomas le Bayllif attornatus Margerie de Swyneford' de eodem per Thomam le Bedel. Warentizavit.

Willelmus Brekespere de eodem per Alanum filium Hugonis ij°.

Simon de Gledeseye def' versus Warinum de Bradenack' de placito transgressionis per Thomam filium Rogeri j°.

Willelmus Morice de communi per Willelmum filium Willelmi iij°.

Ricardus de Hotot de eodem per Rogerum filium Willelmi iij°. Warentizavit.

Ricardus de Balliolo de eodem per Radulfum filium Ricardi.

Willelmus de Brocton' de eodem per Thomam filium Ricardi ij°.

mīa xij. d. Willelmus de Holewell' (xij. d.) venit et vadiat misericordiam pro unica defalta quam fecerat per pl' Willelmi de Barton' et *W.* Rideman.

mīa xij. d. Yvo de Hurst (xij. d.) venit et vadiat misericordiam pro unica defalta quam fecerat per pl' ballivi.

mīa vj. d. Johannes de Gidding (vj. d.) venit et vadiat misericordiam pro unica defalta quam fecerat per pl' W. Rideman.

mīa condonatur Johanna le *King* de Brocton' non venit, ideo distringatur.

Magister Stephanus Prodome et Henricus de Cheny non ven', ideo distringantur.

Hugo le Berth' de Lauyshull' qui tenet partem terre de feodo Monewode districtus fuit et habet respectum usque festum S. Michaelis.

Preceptum est Johannes del Brevis et Bernardus le Foulere tenent de dicto tenemento, ideo distringantur pro secta et aliis exaccionibus.

Henricus Molendinarius de Ayllington' Johannes le Lo*uerd*' de eodem non ven' et plures fecerunt defaltas, ideo distringantur.

Thomas the Bailiff attorney of Margery of Swinford of the same by Thomas the Beadle; warranted.

William Brekespere of the same by Alan Hugh's son; second time.

Simon of Gledsey defendant in a plea of trespass against Warin of Bradenach by Thomas Roger's son; first time.

William Morice of the common suit by William William's son; third time.

Richard of Hotot of the same by Roger William's son; third time; warranted.

Richard of Baliol of the same by Ralph Richard's son.

William of Broughton of the same by Thomas Richard's son; second time.

William of Holywell came and gaged an amercement for a single default that he had made; pledges, William of Barton and W. Rideman (12 d.).

Ivo of Hurst came and gaged an amercement for a single default that he had made; pledge, the bailiff (12 d.)

John of Gidding came and gaged an amercement for a single default that he had made; pledge, W. Rideman (6 d.)

John King of Broughton does not come; let him be distrained.

Master Stephen Prodome and Henry of Cheney do not come; let them be distrained.

Hugh le Berth' of Lawshall who holds part of the land of the fee of Moneywood was distrained and has a respite to Michaelmas.

John del Brevis and Bernard Fowler hold of the said tenement; therefore be they distrained for suit and other dues.

Henry Miller of Elton and John le Loverd of the same place do not come and have made several defaults; therefore be they distrained.

Curia de Brocton' die Martis proxima ante festum S. Barnabe Apostoli anno supradicto.

[1] * * * * * * *

Preceptum fuit ballivo ad distringendum Alexandrum Tartarin ad solvendum Is' de Hunt' iiij. s. et vj. d. prout recuperavit in plena curia et dampna que taxantur ad v. s. Et districtus fuit per unam vaccam et replegiata fuit per Willelmum de Lond' de Wardeboys et Rogerum le Carpenter de eadem, ita quod dictus Alexander solveret dictum debitum dicte Is' citra hunc diem, qui nichil inde fecit. Ideo consideratum est quod predicti plegii summoneantur quod sint etc. ad audiendum judicium suum etc., et nichilominus dictus Alexander et plegius ejus videlicet Ricardus Catoun distringantur ad dictum debitum solvendum.

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Curia de Brouton' die Martis in crastino Apostolorum Petri et Pauli anno supradicto.

[2] * * * * * * *

Quia testificatum est per ballivum quod Willelmus de Londres de Ward' et Rogerus Carpenter de eadem plegii Alexandri Tartarin ad solvendum Isolde de Hunt' iiij. s. et vj. d. debiti et v. s. pro dampnis districti sunt per j. equum et j. vaccam, ideo preceptum est quod reteneantur et plus capiatur donec dictum debitum cum dampnis solvatur.

[3] * * * * * * *

[4] Magna Curia de Brocton' tenta die Martis in festo Translacionis S. Hugonis Episcopi anno regni Regis Edwardi xxi° et J. Abbatis octavo incipiente.

[5] Esson'. Radulfus de Giddingge attornatus Johannis de Engayn de Dilington' de communi per Ricardum Dally. (Warentizavit.)

[1] Four essoins and a few entries in common form are omitted.

[2] Seven essoins.

[3] The proceedings of three courts held in July, August and September are omitted.

[4] m. 2. All the proceedings of this the great half-yearly court are here printed.

[5] These essoins are bracketed and

Court of Broughton on Tuesday next before the feast of S. Barnabas[1] in the said year [A.D. 1293].

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The bailiff was commanded to distrain Alexander Tartarin to pay Isold of Huntingdon 4 s. 6 d. which she recovered against him in full court and damages which are taxed at 5 s. And he was distrained by one cow and it was replevied by William London of Warboys and Roger Carpenter of the same place on the terms that Alexander should pay the said debt to the said Isold before this day; and he has done nothing towards payment. Therefore it is considered that the said pledges be summoned to be here etc. to hear their judgment etc., and none the less be Alexander and his [original] pledge Richard Catoun distrained to pay the said debt.

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Court of Broughton on Tuesday the morrow of SS. Peter and Paul[2] in the said year [A.D. 1293].

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Whereas it is testified by the bailiff that William London of Warboys and Roger Carpenter of the same place the pledges that Alexander Tartarin would pay to Isold of Huntingdon 4 s. 6 d. debt and 5 s. damages are distrained by one horse and one cow, therefore it is commanded that these be retained and that further distresses be taken until the said debt and damages shall be paid.

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Great Court at Broughton holden on Tuesday the feast of the Translation of S. Hugh[3] in the twenty-first year of King Edward at the beginning of the eighth year of Abbot John [A.D. 1293].

Ralph of Gidding attorney of John Engaine of Dilington of the common suit by Richard Dally; warranted.

[1] This feast is 11 June. [2] This feast is 29 June.
[3] This feast is 6 Oct.

Robertus de la Bourne de Craunfeud' de eodem per Willelmum filium Willelmi.

Nicholas Sauncheverel de Ellisworth' de eodem per Thomas Unwyne.

Willelmus de la Grave de eadem et de eodem per Henricum Broun.

Radulfus le Mareschal de Craunfeud' de eodem per Rogerum filium Willelmi.

Ricardus filius Clerici de Lauyshull' de eodem per Johannem filium Henrici. (Warentizavit.)

Willelmus de Bray de Barton' de eodem per Johannem filium Galfridi.

Radulfus le Norreys de Hurst de eodem per Rogerum filium ejus iiij°. (Warentizavit.)

Willelmus de Brocton' de communi per Bernardum le Gardiner.

Ricardus filius Radulfi de eodem per Thomam le Clerke.

Galfridus Abouetoun attornatus Hascelyne Mo*u*ys de eodem per Johannem Sylvestre. (Postea venit.)

Willelmus Brekespere de eodem per Johannem Maheu.

Henricus de la Sale de Overe de eodem per Willelmum Fuger. (Postea ven'.)

Andreas de Craunfeud' de eodem per Henricum filium Hugonis.

Willelmus Ketil de Ayllington' de eodem per Johannem le Ken.

Willelmus Morice de eodem per Willelmum filium Willelmi. (Warentizavit.)

Ricardus de Hotot de eodem per Thomam filium Willelmi. (Postea venit.)

Willelmus de Holewelle de eodem per Rogerum filium Hugonis.

Willelmus le Portere de Weston' de eodem per Willelmum filium Emme. (Warentizavit.)

Johannes de Harpifeud' de eodem per Johannem Payn.

governed by the statement *Aff'*, *habent diem in tres septimanas*: faith is pledged, and a day is given three weeks hence.

Robert of the Burn of Cranfield of the same by William William's son.

Nicholas Sauncheverel of Elsworth of the same by Thomas Unwin.

William of the Grove of the same place for the same cause by Henry Brown.

Ralph Marshall of Cranfield of the same by Roger William's son.

Richard the Clerk's son of Lawshall of the same by John Henry's son ; warranted.

William de Bray of Barton of the same by John Geoffrey's son.

Ralph Norris of Hurst of the same by Roger his son ; fourth time ; warranted.

William of Broughton of the common suit by Bernard Gardener.

Richard Ralph's son of the same by Thomas Clerk.

Geoffrey Abovetown attorney of Ascelina Mowys of the same by John Silvester. Afterwards he came.

William Brekespere of the same by John Mahew.

Henry de la Sale of Over of the same by William Fuger. Afterwards he came.

Andrew of Cranfield of the same by Henry Hugh's son.

William Ketil of Elton of the same by John Ken.

William Morice of the same by William William's son ; warranted.

Richard of Hotot of the same by Thomas William's son. Afterwards he came.

William of Holywell of the same by Roger Hugh's son.

William Porter of Weston of the same by William Emma's son ; warranted.

John of Harpsfield of the same by John Payn.

Thomas de Brauncestr' de eodem per Johannem May. (Warentizavit.)

Johannes de Giddigge de eodem per Adam filium Stephani.

Warinus de Bradenach per Johannem Aspelon. (Warentizavit.)

Preceptum est

Warinus de Bradenach' per W. Rideman attornatum querens optulit se versus Simonem de Gledeseye de placito transgressionis, qui non venit et alias essoniatus fuit. Ideo distringatur.

Johannes de Ayllington' non venit et plures fecit defaltas et districtus est per duos equos. Ideo ten' etc.[1] Et alias attachiatus fuit ven' et invenit plegios, videlicet, Willelmum Rideman (vj. d.) et Johannem filium Johannis de Ayllington' (vj. d.). Ideo ipsi in misericordia et nichilominus distringatur, etc.

mie xij. d.

Preceptum est

De villa de Elington' quia non fecerunt parcum domini fractum unde Ridemanny conquer' quod ponunt ibi districtiones et statim dimittuntur per defaltam predictam, dim. m.

dim. m. condonatur per Abbatem.

Willelmus de Hanyfeld' in Lauyshill', Umfridus de Monewode de eadem, tenentes feodum Schantardi in eadem (v. bovett'), Thomas de Beynville in Borouwell', Walterus de Huntercumbe de eadem (ij. equos), Albredus de Borouwell', Johannes de Schepewyk, Robertus de Gledeseye, Feodum de Bello Campo in Schicclingdon', Robertus le Fyt de Schepeho, Robertus filius Willelmi de Acholt, Johannes filius Radulfi pro feodo Parentyn in Barton', Ricardus filius Galfridi Ruilaund' in Craunfeld', uxor Radulfi le Botiler in eadem, Olyva de Leyham in Bercford', Baldewynus de Stouwe ibidem, Rogerus le Botiler in Gillinge, Feodum Silvestri le Enveyse in Knapwell', Comes Oxonie in Hemingford' (j. bovettum), Willelmus le Enveyse in Elington (j. equum), Willelmus filius Willelmi de Wychinton' in Weston' et Wychinton', Johannes de Ayllington' in Ayllington', Galfridus Blundel de eadem (j. bovettum), Johannes Fraunceys de eadem, Willelmus le Moyne in

[1] The full phrase is *Ideo teneantur et plus capiatur.*

Thomas of Brancaster of the same by John May; warranted.

John of Gidding of the same by Adam Stephen's son.

Warin of Bradenach by John Aspelon; warranted.

Warin of Bradenach by W. Rideman his attorney plaintiff appears against Simon of Gledesey in a plea of trespass: Simon does not come and was essoined on a former occasion; so be he distrained.

John of Elton does not come and has made several defaults and was distrained by two horses; let them be detained and more be taken. And on a former occasion he was attached to come and found pledges, to wit, W. Rideman (6 d.) and John son of John of Elton (6 d.); so be they in mercy and none the less be he distrained etc.

From the vill of Elton a half-mark, for not repairing a breach in the lord's pound, whereof the ridemen complain that they put distresses therein which straightway are again at large owing to the said default. (Forgiven by the Abbot.)

William of Haningfield in Lawshall, Humphrey of Moneywood of the same place, the tenants of Scantard's fee in the same place (distrained by 5 bullocks), Thomas of Beynville in Burwell, Walter of Huntercombe of the same place (2 horses), Aubrey of Burwell, John of Sheepwick, Robert of Gledsey, the Beauchamp fee in Shitlington, Robert le Fit of Shepeho [?], Robert William's son of Ocholt, John Ralph's son for Parentyn's fee in Barton, Richard son of Geoffrey Ruiland in Cranfield, the wife of Ralph Butler in the same place, Oliva of Leyham in Barford, Baldwin of Stowe in the same place, Roger Butler in Gilling, the fee of Silvester L'Enveyse in Knapwell, the Earl of Oxford in Hemingford (1 bullock), William L'Enveyse in Ellington (1 horse), William son of William of Whiston in Weston and Whiston, John of Elton in Elton, Geoffrey Blundel of the same place (1 bullock), John Franceys of the same, William le Moyne in Sawtrey,

Sautre, Baldewynus de Stoue in Hurst, Henricus de Cheny in Hocton', Johannes Gernoun in Brocton' et Margeria de Swyneford' in Stiuekele Magna non ven', ideo distringantur. Johannes filius Umfridi de Wardeboys non venit, ideo etc.

Isabella atte Mere in Berckford' habet respectum usque Pascha per dominum Abbatem.

Preceptum est distringere omnes tenentes terras que fuerunt Johannis Gernoun in Brocton' pro secta et aliis exaccionibus.

Adhuc ut pluries preceptum est distringere Adam Prepositum de Elington' (j. equum), Johannem filium Walteri de eadem (j. equum), Ricardum le Hayward de eadem (j. equum) et Walterum Bythebrock' (j. equum) ad respondendum quare non venerunt ad respondendum de catallis Willelmi filii Hugonis sicut manuceperunt ut patet in precedentibus rotulis.

Adhuc ut pluries preceptum est distringere Adam Prepositum de Elington' (j. equum) quod sit ad proximam curiam ad respondendum quare abire permisit unum equum captum de Hugone Prentot et unum bovem captum de Simone Martin per W. Rideman et posit' in parco domini.

[1] * * * * * * *

[2] Curia de Brocton' die Martis proxima ante festum Cinerum anno regni Regis Edwardi xxii°. . . .[3]

[4] * * * * * * *

Benedictus le Gardener querens optulit se versus Preceptum est Hescelinam Mouwyn de placito debiti, que non venit et summonita est, ideo ponatur per plegios et datus est dies.

Johannes Hubert querens optulit se versus Hescelinam Preceptum est Mouwyn de placito debiti, que non venit et summonita est,

[1] The proceedings of five courts holden in October, November, December 1293, and January and February 1294, are omitted as of little interest.

[2] m. 5.

[3] A few words may have perished probably the date in years of Abbot John.

[4] Seven essoins.

Baldwin of Stowe in Hurst, Henry of Cheney in Houghton, John Gernon in Broughton and Margery of Swinford in Great Stukeley do not come; therefore be they distrained. John Humphrey's son of Warboys does not come; therefore etc.

Isabella atte Mere in Barford has respite until Easter by favour of the lord Abbot.

Order is given to distrain all the tenants of the lands sometime of John Gernon in Broughton for suit and other dues.

Order is given, as more than once before, to distrain Adam Reeve [1] of Ellington (1 horse), John Walter's son of the same (1 horse), Richard Hayward of the same (1 horse), and Walter Bithebrook (1 horse), to answer why they came not to account for the chattels of William Hugh's son according to their undertaking, as appears in the foregoing rolls.

Order is given, as more than once before, to distrain Adam Reeve of Elton (1 horse) to come to the next court to answer why he let go a horse taken from Hugh Prentot and an ox taken from Simon Martin by W. Rideman and placed in the lord's pound.

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Court of Broughton on Tuesday next before Ash Wednesday in the twenty-second year of the reign of King Edward [A.D. 1294].

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Benedict Gardiner plaintiff appeared against Ascelina Mowyn in a plea of debt; and she does not come and is summoned; therefore let her be put by pledges and a day is given.

John Hubert plaintiff appeared against Ascelina Mowyn in a plea of debt; she does not come and is summoned;

[1] Probably these persons are not freeholders.

ideo ponatur per plegios, et dictus Johannes ponit loco suo Thomam le War'.

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Md. Uxor Radulfi le Botiler venit coram domino apud Rames' post festum S. Michaelis et ostendit quamdam cartam in qua continebatur quod feoffata erat de toto tenemento quod fuit Radulfi le Botiler in Craunfeud quondam viri sui et illa fecit feodelitatem domino Abbati predicto tenemento et sanavit plures defaltas, et condonantur per Abbatem.

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Memorandum quod Rogerus de Cranemere venit in plena curia ista et ostendit quandam cartam per quam Robertus filius Willelmi de Ocholt in Schutlingdon' feoffavit ipsum de toto tenemento quod habuit in eadem villa quod ten' de Abbate de Rames' sibi et heredibus suis inperpetuum faciendo servicium capitali domino secundum statutum, et dictus Rogerus fecit feodelitatem set non hamagium.[1]

Respectum Ricardus Roulaund habet respectum usque Pascha de relevio suo set nondum taxatur et fecit homagium et feodelitatem.

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Md. Memorandum quod Willelmus le Eyr de Delewyk' fecit feodelitatem coram W. de Wassinggele[2] ad visum franciplegii de Craunfeud pro tenemento quod tenet de domino Abbate in eadem, set non fecit homagium et habuit diem ad querendum dominum.

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Curia de Brocton' die Martis proxima ante festum Annunciacionis B. Marie anno regni Regis Edwardi xxii° et J. Abbatis viii°.

[3] * * * * * * *

[1] *Sic.*

[2] The Abbot's steward. Cranfield is in Bedfordshire.

[3] The business consists of six essoins and the compromises of two actions.

therefore be she put by pledges; and the said John puts in his place Thomas le Ware.

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The wife of Ralph Butler came before the lord at Ramsey after Michaelmas and showed a certain charter in which was contained that she was enfeoffed of the whole tenement which was that of her late husband Ralph Butler in Cranfield, and she did fealty to the Abbot for the said tenement and cured several defaults which are condoned by the Abbot.

*   *   *   *   *   *   *

Be it remembered that Roger of Cranmere came into this full court and showed a charter whereby Robert son of William of Ocholt in Shitlington enfeoffed him of the whole tenement which he had in the same vill as tenant of the Abbot of Ramsey to hold to him and his heirs for ever by doing service to the chief lord according to the Statute [Quia Emptores] and the said Roger did fealty but no homage.

Richard Rouland has a respite until Easter for his relief which has not yet been assessed and he did homage and fealty.

*   *   *   *   *   *   *

Be it remembered that William Eyre of Dilwick did fealty before William of Washingley at the view of frank-pledge of Cranfield for the tenement which he holds there of the Abbot, but he did no homage and had a day to seek the lord.

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Court of Broughton on Tuesday next before the Annunciation of the Virgin in the twenty-second year of King Edward and the eighth of Abbot John [A.D. 1294].

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[1] **Curia de Brocton' die Martis proxima post clausum Pasche anno regni Regis Edwardi xxii° et J. Abbatis viii°.**

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Memorandum quod Willelmus filius Willelmi le Eyr de Dilewyk' fecit homagium suum domino Abbati die supradicto in aula de Brocton' coram domino W. de Bereford, W. de Wassiggele seneschall' et aliis.

Memorandum quod Willelmus Wyne fecit finem pro ij. s. pro pace habenda de districtione pro secta curie usque etatem Hugonis P*ren*tot de quo habuit custodiam in curia de Brocton' tenta die Martis proxima ante festum S. Georgii Martiris post Pascha anno J. Abbatis quarto. Ideo inquirendum est quando obiit pro solucione dictorum ij. s. unde W. Rideman oneratus est in compotuo [2] suo redd' post Pascha anno octavo J. Abbatis pro uno anno tantum de dictis ij. s.

Curia de Brocton die Martis proxima post mens' Pasch' anno supradicto.

[3] * * * * * * *

[4] Cecilia Moyllard' districta fuit et habet respectum usque festum S. Michaelis ad ostend' cartam per quam dicit se feoffatam esse de tenemento in Bercford' unde Isabella filia ejus est heres et infra etatem post mortem patris sui.

Memorandum quod Rogerus filius Gileberti de Craunfeud tenet quartam partem unius virgate terre in eadem que fuit quondam de tenemento Galfridi Roulaund' et nichil facit Galfrido nec domino Abbati nec clamat tenere de Galfrido. Ideo distringatur ad ostendendum qualiter tenet et pro secta curie de Brocton'.

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[1] m. 5 d. This is the great half-yearly court. There are thirty essoins and eighteen defaults; the other business is here printed.

[2] *Sic.* [3] Twenty-five essoins. [4] m. 4.

Court of Broughton on Tuesday next after the close of Easter in the twenty second-year of King Edward and the eighth of Abbot John [A.D. 1294].

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Be it remembered that William son of William Eyre of Dilwick did his homage to the Abbot on the said day in the hall of Broughton before Sir W. of Bereford, William of Washingley the steward, and others.

Be it remembered that William Wyne made fine with [an annual sum of] 2 s. to have peace from distraint for suit of court until the majority of Hugh Prentot whose wardship he had in the court of Broughton holden on the Tuesday next before the feast of S. George after Easter in the fourth year of Abbot John. Therefore let inquiry be made when [Hugh's ancestor] died for the purpose of computing the payment of the said 2 s., W. the Rideman being charged therewith in his account which he rendered after Easter in the eighth year of Abbot John but as for one year only.

Court of Broughton on Tuesday next after a month from Easter in the said year [A.D. 1294].

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Cecilia Moyllard was distrained and has respite until Michaelmas to show the charter whereby she says that she is enfeoffed of the tenement in Barford, whereof her infant daughter Isabella became heir upon the death of her [the daughter's] father.[1]

Be it remembered that Roger son of Gilbert of Cranfield holds a fourth part of a virgate of land in [Cranfield] which was formerly of the tenement of Geoffrey Rouland and he does no service to Geoffrey nor to the Abbot, nor does he claim to hold of Geoffrey. Therefore be he distrained to show how he holds and also for suit to the court of Broughton.

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[1] Apparently Cecilia under some feoffment is setting up a claim against her own daughter.

Curia de Brocton' die Martis proxima ante festum S. Trinitatis anno supradicto.

[1] * * * * * * *

Curia de Brocton' die Martis in Octabis Apostolorum Petri et Pauli anno supradicto.

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Inquisicio facta in plena curia ista per sacramentum Thome le Freman de Gritton', Ricardi de Hotot, Radulfi le Noreys, Yvonis de Hurst, Alexandri Walkelyn, Johannis Fraunceys, Johannis de Vernoun, Johannis de Cotenham, Willelmi de Bernewell', Radulfi le Mareschal, Ranulfi de Clervaus, Willelmi Rideman et Rogeri Rideman juratorum, qui dicunt super sacramentum suum quod Willelmus de Haningfeud in Lauyshull', Albricus de Borouwell', Johannes de Harpisfeud', Tenentes feodum de Bello Campo in Schitlingdon', Willelmus de Holewell', Johannes de Leyham in Bercford', Baldewynus de Stouwe, Rogerus le Botiler in Gilligge, Feodum Silvestri le Enveyse in Knapwelle, Feodum de Tyville in Grauinhurst, Comes Oxonie in Hemingford', Johannes de Engayn in Dylington', Willelmus le Enveyse in Elington', Willelmus filius Willelmi de Wyston', Berengerius le Moyne in Bernewell', Willelmus le Moygne in Sautre, Johannes Mouwyn de Hurst, Barnabe de Stiuekele et Philippus de Ripton' omnes isti debent corporale servicium quando dominus Rex exigit servicium suum de comitibus et baronibus Anglie, et dicunt super sacramentum suum quod Comes Oxonie in Hemingford', Willelmus de Wycheton', Berengerius Monachus, Barnabe de Stiuekele debent modo facere corporale servicium.[2]

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[1] No business beyond essoins and defaults.

[2] To the side of the roll is sewn a small fragment of parchment, which apparently is the remains of a writ from the King bidding the Abbot provide his service for the French war. In consequence of this the above inquest was made.

Court of Broughton on Tuesday next before Trinity Sunday in the said year.

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Court of Broughton on Tuesday the octave of SS. Peter and Paul in the said year.

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Inquest made in this full court by the oath of Thomas Freeman of Girton, Richard of Hotot, Ralph Norris, Ivo of Hurst, Alexander Walkelin, John Franceys, John of Vernon, John of Cottenham, William of Barnwell, Ralph Marshall, Ranulph of Clervaus, William Rideman and Roger Rideman, who are sworn and say upon their oath that William of Haningfield in Lawshall, Aubrey of Burwell, John of Harpsfield, the tenants of the Beauchamp fee in Shitlington, William of Holywell, John of Leyham in Barford, Baldwin of Stowe, Roger Butler in Gilling, the fee of Silvester L'Enveyse in Knapwell, the fee of Tyville in Gravenhurst, the Earl of Oxford in Hemingford, John of Engaine in Dillington, William L'Enveyse in Ellington, William son of William of Whiston, Berengar le Moyne in Barnwell, William le Moyne in Sawtrey, John Mowyn of Hurst, Barnaby of Stukeley and Philip of Ripton, all these owe corporal service when the king demands his service from the earls and barons of England, and [the jurors further] say upon their oath that the Earl of Oxford in Hemingford, William of Whiston, Berengar le Moyne and Barnaby of Stukeley ought to do corporal service on the present occasion.

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[1] **Curia de Brocton' die Martis in festo B. Margarete Virginis anno regni Regis Edwardi xxii° et J. Abbatis viii°.**

Memorandum quod Comes Oxonie pro ten' in Hemingford', Willelmus de Wycheton' pro eadem villa et Bythirne, Berengerius le Moyne pro Bernewelle et Margeria de Swyneford' que tenet terras que fuerunt quondam Barnabe de Stiuekele in eadem electi fuerunt per sacramentum xij. proborum et legalium hominum in plena curia ut patet infra[2] ad faciendum modo corporale servicium in exercitu domini Regis. Et preceptum est Ridemann' quod ipsos distr' ven' ad faciendum dictum servicium etc.[3]

Preceptum est.

Curia de Brocton' die Martis in festo S. Laurencii anno regni Regis Edwardi xxii° et J. Abbatis octavo.

[4] * * * * * * *

Curia de Brocton' die Martis proxima post festum decollacionis S. Johannis Baptiste anno supradicto.

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Comes Oxonie (tres equos) et tenentes terre Barnabe de Stiuekele (respectum per Abbatem), Willelmus de Wychinton et tenentes terre Berengarii le Moyne electi fuerunt ad faciendum servicium domini Regis secundum consuetudinem Abbacie ut supra patet. Et dictus Comes non venit et districtus est per tres equos per tres vices ut Ridemannus testatur. Ideo ten' et plures capiantur donec etc. Tenentes terre Barnabe de Stiuekele distr' pro eodem. Tenentes terras Willelmi de Wycheton' distr' pro eodem. Abbas tenet terras que fuerunt Berengarii etc.

[1] m. 4 d.

[2] The reference is to what is here printed as the last preceding entry; a reference from the top of the back to the bottom of the front of the membrane.

[3] No other business at this court.

[4] A few entries as to essoins and defaults.

Court of Broughton on Tuesday the feast of S. Margaret[1] in the twenty-second year of King Edward and the eighth of Abbot John [A.D. 1294].

Be it remembered that the Earl of Oxford for his tenement in Hemingford, William of Whiston for the same vill and for Bythorn, Berengar le Moyne for Barnwell and Margery of Swinford who holds the lands sometime those of Barnaby of Stukeley in the same vill, have been elected by the oath of twelve good and lawful men in full court as appears below [or rather, above,] to do the corporal service in the King's army on the present occasion. Order is given the ridemen to distrain them to come to do the said service etc.

Court at Broughton on Tuesday the feast of S. Laurence[2] in the twenty-second year of King Edward and the eighth of Abbot John [A.D. 1294].

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Court of Broughton on Tuesday next after the feast of the Beheading of S. John Baptist[3] in the said year.

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The Earl of Oxford (distrained by three horses), the tenants of the land of Barnaby of Stukeley (respited by the Abbot), William of Whiston and the tenants of the land of Berengar le Moyne have been elected to do the service due to the King according to the custom of the Abbey as appears above. And the said Earl does not come and has been three times distrained by three horses, as the rideman testifies. Therefore let them be detained and more be taken until etc. Let the tenants of the land of Barnaby of Stukeley be distrained for the same. Let the tenants of the land of William of Whiston be distrained for the same. The Abbot holds the lands which sometime were Berengar's etc.

[1] This feast is 20 July. [2] This feast is 10 Aug.
[3] This feast is 29 Aug.

Feodum Silvestri le Enveyse (j. equum) et Willelmus le Enveyse qui modo est heres dicti Silvestri nichil habet de dicto feodo quia dictus Silvester et Willelmus filius ejus et pater Willelmi qui modo superstes est vendiderunt per particulas totum dictum feodum. Ideo omnes tenentes de
Preceptum est
feodo predicto distr' pro servicio faciendo domino Regi et pro secta curie etc.

Willelmus *le Moyne in Sautre* debet corporale servicium et sum' ven' ad breve domini Regis et non *venit,* preterea
Preceptum est
fecit plures defaltas quoad sectam, et districtus est per j. equum, ideo ten' et plur'.

Willelmus de Haningfeud in Lauyshull' debet corporale servicium prout compertum est in rotulis Abbatis *Ranulphi*[1] quod quidam Willelmus de Haningfeud miles avus dicti Willelmi fecit corporale servicium pro Abbacia de Rames' secundum consuetudinem dicte Abbacie in servicio domini Regis H. patris *Regis nunc* in Pictavia et Vasconia anno dicti H. Regis xxvj°, et fecit servicium predictum per *Sewalum* et Thomam filios suos, qui duo servientes acceptati fuerunt pro uno milite in exercitu predicto. Et quia Willelmus qui modo est dedixit ser-
Preceptum est
vicium predictum in plena curia, ideo preceptum est Ridemanno quod distringat ipsum de die in diem quousque faciat predictum servicium. Et memorandum quod Sewalus supra *scriptus* fuit pater istius Willelmi qui modo dedicit servicium predictum.

Johannes de Harpisfeud (j. equum) debet corporale ser-
Preceptum est
vicium *ut dicitur* per rotul' memorandorum Abbatis, qui venit et dedixit servicium, ideo distr'.

[2] * * * * * * *

[1] Abbot from 1231 to 1253.
[2] Several entries of the same character as the last.

The fee of Silvester L'Enveyse to be distrained (one horse); William L'Enveyse who now is Silvester's heir has nothing of the said fee, because Silvester and William Silvester's son father of the present William, who has now survived his father,[1] have sold the whole of the said fee by parcels. Therefore let all the tenants of the said fee be distrained for the service due to the King and for suit of court etc.

William le Moyne in Sawtrey owes corporal service and is summoned to attend to the King's writ and does not come; besides he has made many defaults in his suit of court; and he is distrained by one horse; so let that be detained and more be taken.

William of Haningfield in Lawshall owes corporal service, for it is found in the rolls of Abbot Randolph that one William of Haningfield knight his grandfather did corporal service for the Abbey of Ramsey according to the custom of the Abbey in the service of King Henry father of the now King in Poictou and Gascony in the 26th year of King Henry and he did the said service by [the bodies of] his sons Sewal and Thomas, who as two esquires were received in the said army in place of one knight. And for that William who now is, has denied the said service in full court, order is given to the rideman to distrain him day by day until he does the said service. And be it remembered that the said Sewal was the father of this William who now denies the said service.

John of Harpsfield (distrained by one horse) owes corporal service as is testified by the Abbot's memoranda rolls. He comes and denies the service; therefore be he distrained.

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[1] This is not an exact translation of the text, but seems to give what is really meant; see below, p. 80.

[1] Curia de Brocton die Martis in crastino S. Mathei Apostoli anno regni Regis Edwardi xxii° et J. Abbatis nono incipiente.

War' { Alexander de Rypton' de communi per Ricardum Brown j°.
Robertus Gernoun de eadem per Willelmum Hervy j°.
Johannes de Cotenham de eadem per Willelmum Gore ij°.[2] }

Adam filius Hugonis defendens versus Rogerum le Barth' de placito transgressionis per Thomam le Mercer. Affidavit.

War' Radulfus le Noreys de communi per Willelmum le Nune j°. Affidavit.

Edmundus de Oxindon' per Thomam de Warewyk'. Affidavit.

Yvo de Hurst non venit, ideo distringatur. Johannes Ballard' non venit, ideo etc.

Willelmus de Holewell' non venit et districtus est per unum equum, ideo etc., et alias invenit plegios veniendi videlicet Henricum Druri (vj. d.) et Willelmum de Barton' (vj. d.) et non ven' et plegii summoniti fuerunt ven' aud' judicium suum quare non habuerunt quem plegiaverunt et quia non ven' ipsi plegii in misericordia. mīe xij. d.

([3] Edwardus dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitanie ballivis Abbatis de Rameseye de Broghton' salutem. Quia . . . . . . est quod quilibet liber homo qui sectam debet ad curiam domini sui libere possit facere attornatum suum ad sectam illam pro eo . . . . . . attornatum quem Normannus Darcy loco suo attornare voluerit ad sectam pro eo faciendam ad curiam predicti domini vestri de Broghton' loco ipsius [Nor]manni sine difficultate ad hoc recipiatis. Teste meipso apud Westmonasterium viij die . . . . anno regni nostri vicesimo secundo . . . .)

Comes Oxonie, tenentes terras Barnabe de Stiuekele, Willelmus de Wycheton' et tenentes terras que fuerunt

[1] m. 3. All the entries relating to this court are here printed.

[2] The first three essoins are bracketed and governed by the statement *Aff'*, *habent diem in tres sept.*'

[3] The following from a writ imperfectly legible sewn to the margin of the roll. See Stat. Merton, c. 10.

Court of Broughton on Tuesday the morrow of S. Matthew in the twenty-second year of King Edward at the beginning of the ninth year of Abbot John [A.D. 1294].

Alexander of Ripton essoins himself of the common suit by Richard Brown ; first time ; warranted.

Robert Gernon of the same by William Hervy; first time; warranted.

John of Cottenham of the same by William Gore; second time; warranted.

Adam Hugh's son defendant against Roger le Barth' in a plea of trespass by Thomas Mercer : faith pledged.

Ralph Norris of the common suit by William le Nune; first time ; faith pledged.

Edmund of Oxendon by Thomas of Warwick; faith pledged.

Ivo of Hurst does not come; therefore be he distrained.

John Ballard does not come; therefore etc.

William of Holywell does not come and was distrained by one horse; therefore [let it be detained and more be taken,] and on a former occasion he found pledges for his appearance, viz. Henry Drury (6 d.) and William of Barton (6 d.), and they do not come and were summoned to come to hear their judgment for not producing him whom they had pledged, and because they do not come therefore be they in mercy.

(Edward by the grace of God King of England, Lord of Ireland, and Duke of Aquitaine to the Abbot of Ramsey's bailiffs of Broughton greeting, Whereas [it is provided by statute] that every free man who owes suit to the court of his lord may freely make his attorney to do that suit for him, [now we therefore command you] that without question you do receive the attorney whom Norman Darcy shall appoint in his place to do suit for him to the court of your said lord at Broughton. Witness Myself at Westminster the 8th day of . . . in the twenty-second year of our reign.)

The Earl of Oxford, the tenants of the lands of Barnaby of Stukeley, William of Whiston and the tenants of the

Berangarii le Moygne electi fuerunt ad faciendum servicium domini in Vasconia secundum consuetudinem Abbacie, et non venerunt. Et Comes districtus est per tres equos ut W. Rideman testatur, ideo etc. Et Normannus Darcy qui duxit in uxorem Margeriam de Swyneford que tenuit terram que fuit Barnabe habet respectum de districcione facienda super ipsum pro predicto servicio usque proximam curiam. Tenentes terras que fuerunt Willelmi de Wyston' distr' pro predicto servicio faciendo. Dominus Abbas tenet terras Berengarii et misit duos servientes loco cujusdam militis in exercitu predicto, videlicet, Willelmum le Moygne de Bernewell' et Thomam de Warewyk'. Et idem Abbas misit pro W. de Wychinton' duos servientes loco unius militis in exercitu predicto videlicet Johannem de Terfeud' et Radulfum de Castre. Et idem Abbas misit in exercitu predicto pro defectu Comitis Oxonie et Barnabe de Stiueke, Johannem le Deyn militem, Edmundum de Elisworth' servientem dicti domini Johannis cum quodam alio serviente ejusdem loco unius militis, et hoc totum sumptibus dicti Abbatis. Memorandum quod istud servicium missum fuit apud Portesmuth' ad profru' [1] faciend' in crastino S. Michaelis Arcangeli anno supradicto secundum tenorem brevis domini Regis. Et postea remissi fuerunt per preceptum domini Regis quousque alias premunirentur.

Feodum Silvestre [2] le Enveyse et Willelmus le Enveyse qui modo est heres dicti Silvestri nichil habet de dicto feodo in manu sua, quia dictus Silvester et Willelmus filius ejus vendiderunt per particulas totum dictum *tenementum*. Ideo omnes tenentes de dicto feodo distr' pro servicio domini Regis et pro secta curie.

Willelmus le Moyngne in Sautre debet corporale servicium in exercitu domini Regis secundum consuetudinem Abbacie. Et non venit quando alii summoniti fuerunt, ideo etc., et plures fecit defaltas quoad sectam curie, ideo etc., et distr' per duos equos, ideo ten' etc.

[1] See Ducange, s.v. *proferum*. [2] *Sic.*

lands sometime of Berengar le Moyne have been elected to do the lord's service in Gascony according to the custom of the Abbey, and they have not come. And the Earl is distrained by three horses as W. Rideman testifies; therefore [let them be detained and more be taken]. And Norman Darcy who has married Margery of Swinford who held the land which was Barnaby's has respite until the next court from any distress against him for the said service. Let the tenants of the lands which were those of William of Whiston be distrained to do the said service. The Abbot holds the lands of Berengar and has sent to the army two esquires in the stead of one knight, to wit, William le Moyne of Barnwell and Thomas Warwick. And the Abbot has sent to the army in the place of William of Whiston two esquires instead of one knight, to wit, John of Therfield and Ralph of Caster. And the Abbot has sent to the army in default of the Earl of Oxford and Barnaby of Stukeley, John le Deyn knight and Edmund of Elsworth esquire of the said Sir John and another esquire of Sir John instead of one knight, all this at the expense of the Abbot. Be it remembered that this service was sent to Portsmouth by way of proffer on the morrow of Michaelmas in the said year according to the tenor of the King's writ. And afterwards they were sent back by the King's command until they should receive another warning.[1]

The fee of Silvester L'Enveyse and William L'Enveyse who now is the heir of the said Silvester have nothing of the said fee in their hands, for the said Silvester and William his son have sold the whole of the said tenement by parcels. Therefore be all the tenants of the said fee distrained for the King's service and for suit of court.

William le Moyne in Sawtrey owes corporal service in the King's army according to the custom of the Abbey. And he did not come when the others were summoned; therefore etc.; and he has made several defaults in his suit of court; therefore etc.; and he was distrained by two horses; therefore let them be detained etc.

[1] For this assembly of forces, see Stubbs, Const. Hist. ii. 125.

Willelmus de Haningfeud debet corporale servicium prout plenius patet in proxima precedente curia, et illud servicium dedixit in plena curia, ideo distr'. Et Ridemannus testatur quod distr' est per unam *vaccam*, ideo etc.

Johannes de Harpisfeud' debet corporale servicium ut patet in rotulis *memorandorum* domini Abbatis, et dedixit *servicium* in plena curia, ideo etc. Et distr' est per unum equum ideo etc.

Tenentes feodum de Bello Campo in Schicclingdon', Willelmus de Holewell', Johannes de Leyham pro Bercford', Rogerus le Botiler in Gillingge, Willelmus le Enveyse de Elington', W. de Wyston' et W. le Moyne in Sautre debent corporale servicium et non ven' sicut summoniti fuerunt, ideo etc. Et tenentes de *Bello* campo distr' sunt per unum equum etc.

respectum Baldewynus de Stouwe non venit set habet respectum per dominum Abbatem.

Willelmus Herbert de Lauyshull' non venit quoad sectam curie et districtus est per tria averia, ideo etc. Similiter tenentes feodum Schancardi districti sunt per quinque averia pro eadem, ideo etc. Tenentes feodum Albrici de Borouwell' excepto J. de Clervaus qui venit distr'. Robertus le Fit' de Schepeho non venit et districtus est per unum equum, ideo etc. Adam le Fraunkehome, Cristiana filia Simonis Payn non ven' *et dicta* Cristiana districta est per unam vaccam, ideo etc. Henricus Molendinarius de Aylington' non venit, ideo etc.

Henricus de Cheny non venit et districtus est per unum equum, ideo etc. Johannes Gernoun de Brocton' non venit, ideo distr'.

Isabella de Stangryth' in Holewell' non venit, ideo etc.

Adhuc preceptum est distr' Warinum de Bradenach' et Ricardum Roulaund' pro releviis suis.

Rogerus filius Gileberti de Craunfeud' distr' pro relevio suo.

[1] * * * * * * *

[1] The proceedings of three courts held in October and November are omitted.

William of Haningfield owes corporal service as more fully appears in the last preceding court, and denied that service in full court; therefore be he distrained. And the rideman testifies that he is distrained by one cow; therefore etc.

John of Harpsfield owes corporal service as appears in the Abbot's memoranda rolls and he has denied the service in full court; therefore etc. And he is distrained by one horse, therefore etc.

The tenants of the Beauchamp fee in Shitlington, William of Holywell, John of Leyham for Barford, Roger Butler in Gilling, William L'Enveyse of Ellington, William of Whiston and William le Moyne in Sawtrey owe corporal service and have not come as they were summoned; therefore etc. And the tenants of the Beauchamp fee are distrained by one horse etc.

Baldwin of Stowe does not come, but he has a respite from the Abbot.

William Herbert of Lawshall does not come to do his suit of court; he is distrained by three beasts; therefore etc. Likewise the tenants of Scancard's fee are distrained for the same by five beasts; therefore etc. The tenants of the fee of Aubrey of Burwell, save J. of Clervaus who comes, are distrained. Robert le Fit of Sheepho does not come and is distrained by one horse; therefore etc. Adam Freeman and Cristina daughter of Simon Payn do not come, and the said Cristina is distrained by one cow; therefore etc. Henry Miller of Elton does not come; therefore etc.

Henry of Cheney does not come and is distrained by one horse; therefore etc. John Gernon of Broughton does not come; therefore be he distrained.

Isabella of Stangrith in Holywell does not come; therefore etc.

It is ordered, as before, to distrain Warin of Bradenach and Richard Rouland for their reliefs.

Roger son of Geoffrey of Cranfield is to be distrained for his relief.

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Curia de Brocton die Martis in crastino S. Lucie Virginis anno supradicto.

[1] * * * * * * *

([2] Willelmus ballivus manerii de Parva Styuekl' queritur de Johanne de Radclyve serviente persone de Parva Styuekl' et dicit quod *idem* Johannes turpiter et injuste ipsum defamavit per totam patriam verbis contumeliosis dicendo ipsum Willelmum nequiter et *furtive ce*pisse et asportasse de blado dicti *rectoris* de Parva Styuekl' usque ad manerium *domini* ejusdem Willelmi in autumpno ultimo preterito unam thravam frumenti et duas thravas *et dimidiam* fabarum et pisarum ad grave dampuum et vituperium ejusdem Willelmi xl. s. etc. Predictus Johannes presens defendebat verba curie etc.[3] et dicit se *nunquam predictum Willelmum defamasse immo* veritatem dixisse *et* veritas non est defamacio. *Non enim* potest dedici nec vult dedicere *quin aperte* . . . . bladum predicti rectoris ut supradictum est asportaverat quod quidem promptus est verificare quocumque modo curia consideraverit. Et predictus Willelmus dicit quod nunquam dictum bladum in curiam domini sui asportavit sicut dictus . . . . quod quidam . . . . de Radeclive attornatus suus qui locum suum tenuit dictum bladum ei *liberavit* . . . . dicti persone . . . . facientibus in bladis manerii et quod hoc verum sit petit quod . . . . *etc.* Et dictus Johannes replicando dicit quod dictum bladum nunquam fuit eidem Willelmo per ipsum Johannem vel per *aliquem alium locum suum tenentem deliberatum* pro cornbote sicut idem Willelmus dicit set quod ipse Willelmus auctoritate propria absque *liberacione alicujus dictum bladum de manerio* domini sui maliciose asportavit ut predictum est *in* incupamento promptus est facere quod curia consideraverit *et est* . . . . Willelmus le Freman. Et datus fuit partibus dies ad proximam curiam de Brocton' videlicet die Martis

[1] Five essoins.

[2] The following entry which reports proceedings in the court of Stukeley is on a piece of parchment sewn to the side of the roll, of which as much as possible is here printed, for the case is curious.

[3] The 'words of court' which the defendant denies are the 'common form allegations' about tort and force and so forth.

Court of Broughton on Tuesday the morrow of S. Lucy[1] in the said year [A.D. 1294].

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(William the bailiff of the manor of Little Stukeley complains of John of Radclive the servant of the parson of Little Stukeley and says that the said John basely and wrongfully slandered him over all the country side with contumelious words saying that he William wickedly and in theft took and carried off of the corn of the said rector of Little Stukeley to the manor of William's lord [the Abbot] in last autumn one thrave of wheat and two thraves and a half of beans and peas, to the great damage and dishonour of the said William 40 s. etc. The said John is present and defends the words of court etc. and says that he never slandered the said William but only told the truth and the truth is no slander, for he cannot and will not deny but that he openly said that [William] had carried off the rector's corn as aforesaid and this he is ready to verify in whatever way the court shall consider. And William says that he never carried off the said corn into his lord's court in manner aforesaid but that one . . . . Radclive who was acting in John's place delivered the said corn to him William [on behalf] of the said parson [by way of cornbote] and [to prove] that this is true he asks [for an inquest]. And the said John says in reply that the said corn was never delivered to the said William by him or by any person acting in his stead by way of cornbote, as the said William says, but that the said William of his own proper motion and without any delivery by anyone maliciously carried off the said corn from the manor of his [John's] lord as aforesaid, and he [John] is ready and willing to do [by way of proof] whatever the court consider and he is [at his law; pledge,] William Freeman. And a day was given the parties at the next court at Broughton,

[1] This feast is 13 Dec.

in crastino S. [Lucie [1]] Virginis anno regni Regis Edwardi xxiij°.[2])

Willelmus ballivus manerii de Parva Stiuekele querens optulit se versus Johannem servientem persone ejusdem ville de placito transgressionis, qui non venit. Et loquela querelata fuit coram W. de Wassingele ad ultimum visum franciplegii apud Stiuekele Parvam hoc anno prout patet in quadam cedula huic rotulo consuta, et data fuit dies partibus ad istam curiam, et dictus Johannes fuit ad legem in querela predicta. Et dictus Willelmus petit judicium *etc.* Et Judicium ponitur in respectum usque proximam curiam pro defectu sectatorum. Et ballivus testatur quod *premunire fecit* dictum Johannem de die istius curie per *Radulfum* de . . . . et *Ricardum* de . . . .[3]

[4] * * * * * * *

[5] Curia de Brocton' die Martis proxima post Epiphaniam Domini anno regni Regis Edwardi xxiii°. et J. Abbatis nono.

* * * * * * *

Yvo de Hurst queritur de Auicia de Hygeneye de eo quod ipsa die Veneris proxima ante festum Exaltacionis S. Crucis hoc anno cepit quoddam jumentum suum de caruca sua in le Sworland in campis de Wardeboys injuste ad dampnum suum etc. Et predicta Auicia dicit quod juste cepit dictum jumentum pro redditu viij. d. per annum per quinque annos elapsos, de quo redditu dotata fuit post mortem Roberti filii Willelmi mariti sui, et de quo redditu seysita fuit per manum dicti Yvonis quousque etc. Et dictus Yvo dicit quod illa nunquam fuit seysita de dicto redditu ut de dote sua nec ipse umquam attornatus fuit ad solvendum dictum redditum dicte Auicie, set quod reddidit annuatim dictum redditum heredi dicti Roberti viri sui et petit

[1] Illegible.

[2] The case is reserved from the manor court for the superior court at Broughton.

[3] For more of this case see below, p. 84.

[4] The other entries record proceedings against defaulters.

[5] m. 6.

to wit, on Tuesday the morrow of S. Lucy in the 23rd year of King Edward.)

William the bailiff of the manor of Little Stukeley plaintiff appears against John servant of the parson of the same vill in a plea of trespass. And John does not come. And the plea was pleaded before W[illiam] of Washingley [the Abbot's steward] at the last view of frank-pledge at Little Stukeley in this year as appears in a certain schedule tacked to this roll and a day was given the parties at this court, and the said John was at his law in the said action. And the said William craves judgment etc. The case is adjourned to the next court because the present court is thinly attended by suitors. And the bailiff testifies that he caused the said John to be warned as to the day for this court by Ralph of . . . . and Richard of . . . .

* * * * * * *

Court of Broughton on Tuesday next after the Epiphany in the twenty-third year of King Edward and the ninth of Abbot John [A.D. 1295].

* * * * * * *

Ivo of Hurst complains against Avice of Higney for that on Friday next before the Exaltation of Holy Cross in this year she took a certain horse of his from his plough in the Sworland in the fields of Warboys wrongfully and to his damage etc. And the said Avice says that rightfully did she take the said horse for five years' arrears of a rent of 8 d. a year, of which rent she was endowed after the death of Robert William's son her husband, and of which rent she was seised by the hand of the said Ivo, until [he discontinued payment]. And the said Ivo says that she never was seised of the said rent as of her dower and that he never was attorned to pay the rent to her but paid it annually to the heir of the said Robert her husband and he craves that this be inquired. And the said Avice says that she was seised

quod inquiratur. (Jur' dicunt quod injuste dicta Auicia cepit dictum jumentum, ideo etc. Dampna ij. d.[1]) Et predicta Auicia dicit quod seysita fuit ut supra patet et petit quod inquiratur, ideo preceptum est etc.

Pre' est inquis'

* * * * * * *

[2] Johannes de Radecliue vad' quamdam legem versus Willelmum servientem Dompni W. de Grafham de placito cujusdam defamacionis prout plenius patet in querela dicti Willelmi, qui non venit, ideo predictus Johannes et plegii sui de lege in misericordia, et dictus Willelmus recuperet dampna sua prout patet in querela. Misericordia pro se et plegiis xij. d.

mia̅

xij. d.

* * * * * * *

Comes Oxonie in Hemingford', Normannus de Arcy qui tenet terras que fuerunt Barnabe de Stiuekele per Margeriam de Swyneford' quam duxit in uxorem, Willelmus de Wycheton' in com' North' et Abbas de Rames' qui tenet terras que fuerunt Berengarii le Moyngne electi fuerunt secundum consuetudinem Abbacie ad faciendum pro dicta Abbacia servicium militare quod dominus Rex exigebat in Vasconia ut patet per breve suum, et dicti Comes, Normannus et W. de Wycheton' non venerunt nec miserunt, ideo distr'.

* * * * * * *

Willelmus de Haningfeud in Lauyshall' debet corporale servicium in exercitu domini Regis quando exigitur per breve Regis et quando turnus suus venit secundum consuetudinem Abbacie, et dictus W. dedixit illud servicium in plena curia, ideo distr'.

* * * * * * *

Memorandum quod Johannes de Welle qui duxit in uxorem Idoneam sororem et heredem Ricardi de Beynvilla militis[3] defuncti fecit homagium et feodelitatem domino Abbati in aula apud Rames' die Jovis in crastino S. Thome

[1] This interpolated verdict should come after Avice's replication.
[2] For earlier proceedings, see above, p. 82.
[3] The roll has *Milite'*.

as appears above and craves that this be inquired. Therefore order is given [for an inquest]. The jurors say that the said Avice wrongfully took the said rent; therefore etc.; damages 2 d.

* * * * * * *

John of Radclive waged a law against William servant of Sir W. of Grafham in a plea of defamation as appears more fully in the plaint of the said William. And John does not come; therefore he and the pledges for his law are in mercy and let William recover his damages as appears in his plaint. Amercement of John and his pledges, 12 d.

* * * * * * *

The Earl of Oxford in Hemingford, Norman Darcy who in right of Margery of Swinford his wife holds the lands sometime of Barnaby of Stukeley, William of Whiston in the county of Northampton and the Abbot of Ramsey who holds the lands sometime of Berengar le Moyne have been elected according to the custom of the Abbey to do for the Abbey the military service which the King has demanded in Gascony as appears by his writ; and the said Earl, Norman and William of Whiston have neither come nor sent; therefore be they distrained.

* * * * * * *

William of Haningfield in Lawshall owes corporal service in the King's army when it is demanded by the King's writ and when his turn comes according to the custom of the Abbey; and the said William has denied that service in full court; therefore be he distrained.

* * * * * * *

Be it remembered that John of Wells who married Idonea sister and heir of Richard of Beynville knight deceased did homage and fealty to the lord Abbot in the hall at Ramsey on Thursday the morrow of S. Thomas in

Apostoli anno regni Regis Edwardi xxiij° coram W. de Wassigele et J. de Wystoue, Rogero de Barewe, Willelmo le Moygne, Thoma de War', Radulfo de Castre et Johanne de Terfeud' et multis aliis ibidem circumstantibus, et distr' pro relevio suo.

[1] * * * * * * *

[1] The proceedings of three courts held in the spring of 1295 follow, but are of no great interest.

the 23rd year of King Edward before William of Washingley and J. of Wistow, Roger of Barow, William le Moyne, Thomas of Warwick, Ralph of Caster, John of Therfield and many others there assembled, and be he distrained for his relief.

* * * * * * *

III. THE ABBOT OF RAMSEY'S MANORIAL COURTS.

INTRODUCTORY NOTE.

Besides his court of the honour of Broughton the Abbot seems to have held a court half-yearly in each of his many manors. Several rolls relating to these courts are preserved at the Record Office. As in the case of the manors of Bec, so here, the steward when he made his tour took a roll with him and entered on it the business done first at one manor then at another, so that there was but one set of rolls for all the manors. The roll that has here been used (Augmentation Office, Portf. 34, No. 46) is one of the oldest. What is here printed consists of the business done at Hemingford, Elton, and Little Stukeley in the twelfth year of Abbot William, i.e. as it seems 1278–9, and the business done at Gidding in 1290.

All these manors lie in Huntingdonshire. Hemingford Abbots and Little Stukeley formed part of what we have called the Abbot's 'home estate'; Gidding was hard by; Elton lies in the north-west corner of the county near Fotheringhay. All belonged to Ramsey when Domesday Book was made (D. B. i. 204–204 b; Adelintune is Elton, to be distinguished from Elintune which is Ellington). Extents of three of these manors are given in the Ramsey Cartulary:—Hemingford i. 380, Stukeley i. 392, Elton i. 487. In the Hundred Rolls are extents of Stukeley ii. 599, Gidding ii. 631, Elton ii. 656, Hemingford ii. 680. The abbot besides many other franchises had, what is somewhat unusual, an express grant of the view of frank-pledge over all his land, but the king's bailiff was to be summoned to attend to see that the view was duly made. This privilege the abbot obtained from King John; see the charter in Chron. Ram. 62 and P. Q. W. 10.

It will be seen that each session of the court begins with the swearing in of a jury of presentment. In some cases at all events the jurors seem to be persons elected *pro hac vice*; but at

Gidding the presenters are the chief pledges, *capitales plegii jurati*; similar entries have been found on other rolls relating to the Ramsey estates. At Elton the duty of serving on the jury seems to fall only on those who are personally unfree; this is very noticeable. The procedure by way of presentment is used indiscriminately for the maintenance of the peace and the enforcement of the lord's rights over his villans and his villanage. On the other hand any 'conveyancing entries,' surrenders, admittances or the like are, to say the very least, of rare occurrence; possibly this part of the manorial business was not yet thought worthy of enrolment. No evidence has appeared that these manorial courts were held more frequently than twice a year.

[PLACITA MANERIORUM RAMESIENSIUM.]

[1] **Hemingford'. Die S. Hugonis Episcopi anno W. Abbatis xii°.**

Nomina juratorum Reginaldus ad Maram, Nicholaus le Fermer, Nigellus Palmerius, Nicholaus de Elesworth', Johannes filius Gunnilde, Jordanus Trappe, Thomas Amable, Henricus filius Rogeri, Simon de Benelond', Adam filius Petri, Willelmus le Warde, Henricus ad Puteum.

xiij. s. iiij. d. De capitagio dant xiij. s. iiij. d.

Convictum est per vicinos jur' quod Simon filius Galfridi injuste detinuit Galfrido le Noweman unam garbam fru-
vj. d. menti quam asportavit de terra sua apud Cattesheg. Ideo
Pre' est satisfaciat ei et pro transgressione in misericordia vj. d. plegius Reginaldus de Benelond'.

Henricus Trappe electus fuit ut esset unus de jur' et
vj. d. non venit ideo in misericordia vj. d. De Thoma Marescallo pro eodem condonatur quia postea venit.

De Henrico filio Galfridi pro custod' [2] cur' habenda de ij. rodis terre quam Henricus filius Rogeri et Agatha vidua
vj. d. tenent vj. d. plegius Simon filius Galfridi. (Et juratores veniunt et dicunt quod nunquam viderunt aliquem antecessorem dicti H. illas ij. rodas terre tenere l. annis preteritis. Ideo dictus H. nichil recuperet per suum clam' et predicti R.[3] et A. teneant etc.)

Simon filius Rogeri et Reginaldus filius Petri tastatores

[1] Public Record Office, Augmentation Office Court Rolls, P. 34, N. 46; a roll of five rotulets of various dates.

[2] Probably instead of *custod'* we should read *consideracione*.

[3] Probably instead of *R.* we should read *Henricus filius Rogeri*.

[PLEAS IN THE MANORIAL COURTS OF THE ABBOT OF RAMSEY.]

Hemingford. On the day of S. Hugh[1] in the twelfth year of Abbot William [A. D. 1278.]

Names of the jurors: Reginald at Moor, Nicholas Farmer, Nigel Palmer, Nicholas of Elsworth, John Gunild's son, Jordan Trappe, Thomas Amabel, Henry Roger's son, Simon of Beneland, Adam Peter's son, William Ward, Henry at Well.

They give for chevage 13 s. 4 d.[2]

It is found by [the] jurors of the neighbourhood that Simon Geoffrey's son has wrongfully detained from Geoffrey Newman a garb of wheat which he carried off from his [Geoffrey's] land at Cattesheg. Therefore let him make satisfaction to him [Geoffrey] and be in mercy for the trespass, fine 6 d.; pledge, Reginald of Beneland.

Henry Trappe was elected to be one of the jurors and has not come. Therefore he is in mercy, 6 d. Thomas Marshall is guilty of the same offence; but is pardoned since he afterwards came.

From Henry Geoffrey's son 6 d., for which Simon Goeffrey's son is pledge, that he may have the [judgment] of the court as to two roods of land which Henry Roger's son and Agatha the widow hold. And the jurors come and say that they never saw any ancestor of the said Henry holding those two roods these fifty years past. Therefore let the said Henry recover nothing by his claim and let [Henry Roger's son] and Agatha hold [the land in peace] etc.

Simon Roger's son and Reginald Peter's son the ale-

[1] This feast is 17 Nov.

[2] In consideration of this head-money, the chief pledges are allowed to represent their tithings.

cervisie dicunt quod Katerina Ingol fregit assisam cervisie,
ij. s. vj. d. ideo in misericordia xij. d., plegius Thomas Faber. De uxore Thome Amable pro eodem xviij. d., plegius Willelmus ate Steyle. De Cristiana Osemund pro eodem xij. d., plegius
xviij. d. Thomas Almar. De uxore Nicholai Trappe vj. d., plegius Willelmus ate Stile. De uxore Johannis Gunnild pro eodem vj. d., plegius Johannes Aunzered. De Emma Cat pro
xij. d. eodem vj. d., plegius Johannes Aunzered. De uxore Johannis le Co pro eodem, pauper, plegius Reginaldus
ij. s. vj. d. Almer. De uxore Augeri ad Ripam pro eodem et pro mala cervisia xij. d. plegius Henricus filius Rogeri. De uxore Johannis le Noble quia fregit assisam xviij. d., plegius vir ejus. De Alicia Cot nichil quia tenuit et non braciavit nisi semel. De Beatrice Mutun quia fregit assisam continue
loq' nichil quia homo domini Reginaldi de Grey.[1]

Juratores dicunt quod dominus W. Vicarius de Sancto
xij. d. Yvone fecit defaltam ideo (xij. d. et pro duabus aliis transgressionibus).

Et dicunt quod Willelmus filius Simonis est nativus
Pre' est domini et manet in alia Hemingf' nec est in decenna. Ideo capiatur si venerit super feodum domini. Postea venit et est in decenna.

Et dicunt quod Vicarius de S. Yvone amput' ij. sallices inter ipsum et Thomam Fabrum injuste quia dicte sallices crescunt super terram Abbatis, et bunda illa et rivulus ille
Pre' est ubi dicte sallices crescunt pertinent ad Abbatem. Ideo emendetur et pro transgressione in misericordia supra.

Et dicunt quod Johannes le Noble est carnifex extra
vj. d. burgum[2] set dat per annum vj. d., plegius Henricus Prepositus.

Adhuc dicunt quod Simon Cademan manet apud Go-
ij. cap. j. g. mescestr' set dat per annum ij. cap'. Et *Henricus* filius Henrici manet apud Stanton' set dat per annum j. g'. Et

[1] He is lord of the neighbouring village now known as Hemingford Grey; he holds a manor of the Earl of Oxford, who holds of the Abbot, who holds of the King, R. H. ii. 679.

[2] It seems to have been unlawful to carry on the trade of a butcher except within a town; this was a check upon cattle lifting; see Leg. Edw. Conf. c. 37, 38 (Schmid, p. 518).

tasters say that Katharine Ingol has broken the assize of beer, therefore be she in mercy, 12 d.; pledge, Thomas Smith. From the wife of Thomas Amabel for the same, 18 d.; pledge, William at Stile. From Cristina Osmund for the same, 12 d.; pledge, Thomas Almar. From the wife of Nicholas Trappe, 6 d.: pledge, William at Stile. From the wife of John Gunild for the same, 6 d.; pledge, John Aunzered. From Emma Cat for the same, 6 d.; pledge, John Aunzered. From the wife of John Coe for the same—she is poor; pledge, Reginald Almar. From the wife of Auger at Bank for the same and for bad beer, 12 d.; pledge, Henry Roger's son. From the wife of John Noble for breach of the assize, 18 d.; pledge, her husband. From Alice Cot, nothing for she kept [the assize] and only brewed once. From Beatrice Mutun for constantly breaking the assize, nothing for she is the man of Sir Reginald de Grey.

The jurors say that Sir W. the Vicar of S. Ives has made default, therefore for this and for two other trespasses [noted below] he is amerced 12 d.

And they say that William Simon's son is the born bondman of the lord and dwells in the other Hemingford [i.e. Hemingford Grey] and is not in a tithing. Therefore let him be taken if he comes into the Abbot's fee. Afterwards he comes and he is in a tithing.

And they say that the Vicar of S. Ives has lopped two willows between his holding and Thomas Smith's wrongfully, for the said willows grow upon the Abbot's land and the said boundary and the stream on which the willows grow belong to the Abbot. Therefore let amends be made and let the vicar be in mercy for his trespass: for his amercement see above.

And they say that John Noble is a butcher and not in a borough, but he pays 6 d. a year, for which Henry Reeve is pledge.

They say as they have said before that Simon Cadman dwells at Godmanchester, but pays two capons a year. And Henry Henry's son dwells at Stanton, but pays one

Ricardus filius Petri manet apud Hereford set dat per
j. cap. annum j. cap'. Et Absalon filius Henrici manet apud
j. g. Stanton' set dat per annum j. g'. (set modo est mortuus).

Et dicunt quod Willelmus filius Thome plantavit sallices
vj. d. juxta ripam injuste et aravit unam viam ideo etc. et pro
Pre' est transgressione in misericordia vj. d., plegius Thomas Almar.

Testificatum est per totam villatam quod Simon Borel qui est nativus domini et manet apud Hunt' habet *in* villa de Hemingf' catalla ad valenciam x. marcarum, que quidem bona tradita sunt per senescallum istis subscriptis videlicet Johanni Aunzered qui hoc bene cognovit j. r. frumenti et iij. r. ordei, Salemanno j. r. frumenti et j. r. pisarum, Reginaldo ate Mare j. bid' pretii xvj. d.

Villata de Hemingford' recognovit anno preterito quod bestie tocius villate destruxerunt omnes pisas crescentes super j. acram domini W. Vicarii de S. Yvone et nondum satisfecerunt eidem sicut preceptum fuit ad ultimum visum, ideo villata satisfaciat eidem per taxacionem jur' ij. bus' pisarum citra Natale domini sub pena dim. marce, et dicta villata pro injusta detencione in misericordia, inferius.[1]
Pre' est De xij. jur' qui respondent pro tota villata qui concelaverunt ij. sallices quas Vicarius de S. Yvone amputavit et asportavit, et pro concelamento carnific' et nativorum qui sunt
xiij. s. iiij. d. subtracti xiij. s. iiij. d.[2]

Summa xxxvij. s. ij. d.

Aylingtone. Die S. Clementis Pape anno supradicto.

Nomina juratorum, Robertus ad Crucem, Reginaldus Blakeman, Henricus filius Prepositi, Rogerus Gamel,

[1] Perhaps this amercement of the township is included in the amercement of the jurors who are the representatives of the township.

[2] Probably the jurors said nothing about these matters until they were reminded of them by the bailiff.

fowl a year. And Richard Peter's son dwells at Hartford[1] but pays one capon a year. And Absalom Henry's son dwells at Stanton but pays one fowl a year—but he has died.

And they say that William Thomas's son has planted willows on the bank wrongfully and has ploughed up the road etc. He is in mercy for his trespass, 6 d.; pledge, Thomas Almar.

It is testified by the whole township that Simon Borel who is the born bondman of the lord and dwells at Huntingdon has in the vill of Hemingford chattels to the value of 10 marks. These goods are delivered over by the steward as follows, namely to John Aunzered, who acknowledges the receipt, 1 ring of wheat and 3 rings of barley, to Solomon 1 ring of wheat and 1 ring of peas, to Reginald at Moor 1 sheep price 16 d.

The township of Hemingford confessed last year that the beasts of the whole township had destroyed the peas growing upon an acre belonging to Sir W. vicar of S. Ives and they have not yet made satisfaction as was commanded them at the last view [of frank-pledge]. Therefore let the whole township make amends for two bushels of peas to be taxed by [the] jurors this side Christmas on penalty of a half-mark and the said township is in mercy for the said detention, as appears below. From the twelve jurors who answer for the whole township for not presenting that the Vicar of S. Ives had cut down and carried away two willows, and for not making presentments as to the butchers and as to the born bondmen who have withdrawn themselves, 13 s. 4 d.

Sum total, 37 s. 2 d.

Elton. On the day of S. Clement in the said year [1278].

Names of the jurors: Robert at Cross, Reginald Blackman, Henry Reeve's son, Roger Gamel, Geoffrey of Brington,

[1] Probably the village of this name close to Hemingford.

Galfridus de Brinitone, Johannes Duning, Henricus Messor, Philippus Child, Hugo Achard, Galfridus in Angulo, Henricus Godswein, Goscelinus.

xv. s. iiij. d. De capitagio dant xiij. s. iiij. d. De homagio Johannis de Aylinton'[1] pro eodem ij. s.

Pre' est Johannes Page et Johannes Franceys fuerunt plegii Henrici Fabri ad solvend' ij. s. Johanni filio Alexandri in venell' ad Nativitatem B. Marie ultimo preteritam, et nichil est solutum, ideo ambo in misericordia. Fines amborum (condonantur[2]). Meliores plegii Will' de Bernewell' et Regin' fil' Benedicti et solvat xij. d. dominica proxima post festum S. Katerine et residuum ad Natale Domini.

vj. d. Pre' est De Ricardo filio Bele qui locavit domino Roberto Capellano domum Mabilie sororis sue *lic'*[3] vj. d., plegius Johannes Godsweyn, et per eundem pleg' etc.[4]

xij. d. De Henrico Godswein quia tarde venit ad metendum bladum domini in autumpno inferius, plegius Rogerus Gamel. De Henrico Achard pro eodem (condonatur). De Radulfo Sutore pro eodem vj. d. De Alexandro filio Gileberti pro eodem vj. d. Plegius alter alterius.

vj. d. De Henrico Godswein quia noluit operari ad secundam precariam autumpni et quia impedivit dictam precariam precipiendo quod omnes irent ad domum ante horam et sine licencia ballivorum ad dampnum domini dim. marce, et quia alias male messuit suos beenes super culturam domini, vj. d., plegii Johannes Godswein, Rogerus Gamel et Galfridus de B*rin*ton.

xij. d. De Ricardo in Angulo quia tarde cariavit suos beenes vj. d. De Henrico filio prepositi pro eodem vj. d. De Philippo Noppe pro eodem, pauper. Plegius alter alterius.

Convinctum est per jur' quod Andreas Prepositus falso incusavit Gilebertum Gamel ita quod incusacio pervenit ad

[1] A military tenant of the abbey who has a sub-manor. His chief pledges come to the Abbot's view of frank-pledge and pay chevage to the Abbot, on behalf of all who are in tithing 'ne omnes veniant'; Cart. Rams. i. 491.

[2] This word is written over an erasure.

[3] Corr. *sororis sue sine licencia.*

[4] The meaning of these last word is not obvious.

John Duning, Henry Reaper, Philip Child, Hugh Achard, Geoffrey in the Nook, Henry Godswein, Jocelin.

For chevage they give 13 s. 4 d. The homage of John of Elton give for the same 2 s.

John Page and John Franceys[1] were pledges that Henry Smith would pay 2 s. to John son of Alexander in the Lane at the Nativity of the Virgin last past, and nothing was paid, so let both be in mercy. Their fines are (condoned). He finds better pledges, to wit, William of Barnwell[2] and Reginald Benet's son and is to pay 12 d. on Sunday next after S. Katharine's day and the rest at Christmas.

Due from Richard Bele's son 6 d., for letting to Sir Robert the Chaplain the house of Maud his sister without the licence of the lord; pledge, John Godswein and by the same pledge etc.

Due from Henry Godswein for coming late to mow the lord's crop in autumn—see below; pledge, Roger Gamel. From Henry Achard for the same—pardoned. From Ralph Cobbler for the same, 6 d.; from Alexander Gilbert's son for the same, 6 d.; each is pledge for the other.

From Henry Godswein 6 d., because he would not work at the second boon-day in autumn, and because he obstructed the boon-work ordering all to go home before the proper time and without the leave of the bailiffs, to the damage of the lord, 6 s. 8 d., and for ill reaping in his boon-works on the lord's fields; pledges, John Godswein, Roger Gamel and Geoffrey of Brington.

From Richard in the Nook for being slow about doing the carrying due from him as boon-work, 6 d. From Henry Reeve's son for the same, 6 d. From Philip Noppe for the same—he is poor. Each is pledge for the other.

It is found by the jurors that Andrew Reeve falsely accused Gilbert Gamel so that the charge came to the ears of

[1] The two Johns are freeholders, R. H. i. 656. [2] A freeholder.

aures ballivorum dicendo dictum Gilebertum finxisse se infirmum et operabatur in grangia sua propria et fecit in curia sua alias operaciones, ideo in misericordia xij. d.,
xij. d. plegius Michael Prepositus.

De Roberto ad Crucem pro averiis suis dampnum
vj. d. facientibus in cultura domini seminata de ordeo vj. d., plegius Rogerus Gamel.

Willelmus de Bernewell' fuit plegius Willelmi le Freman
vj. d. ad solvend' vj. d. Radulfo Huberto, et nichil solvit, ideo
Pre' est satisfaciet eidem Radulfo ad Natale, et pro injusta detencione in misercordia vj. d., plegius Michael Prepositus.

Jurati dicunt quod Alexander ad Crucem, Gilebertus filius Ricardi Prepositi, et Henricus filius Henrici Bovebroc male verberaverunt Gilebertum filium Reginaldi le Wyse.
vj. d. Ideo satisfacient ei de suis dampnis, et pro transgressione
xij. d. in misericordia. Finis Alexandri vj. d., plegius Ricardus Prepositus, finis Gileberti vj. d., plegius Ricardus pater ejus,
Pre' est finis Henrici vj. d., [plegius [1]] Ricardus Prepositus et taxata sunt dampna ad xij. d.

Et dicunt quod Elias Carpenter plantavit arbores injuste super unam bundam.

Et dicunt quod Magge le Carter peperit extra matri-
vj. d. monium per Ricardum filium Thome Mal'. Finis amborum vj. d.

Et Agnes filia Philippi Saladin levavit uthesium super Thomam Morburn' qui voluit habere copulam cum eadem.

Et dicunt quod Gilebertus Child retraxit se de molendino fullericio, ideo in misericordia, pauper.

Et dicunt quod Johannes Bovebroc retinuit tolnet' lini,
vj d. ideo in misericordia vj. d., plegius Henricus Newebonde.

De Johanne Bovebroc qui non habuit Thomam de Mor-

[1] This word is not on the roll.

the bailiffs, the said charge being that Geoffrey feigned himself sick and was at work in his own barn and doing other work in his court [when he ought to have been working for the lord]. Therefore Andrew is in mercy, 12 d.; pledge, Michael Reeve.

From Robert at Cross for his beasts damage feasant in the lord's field which had been sown with barley, 6 d.; pledge, Roger Gamel.

William of Barnwell was pledge that William Freeman[1] would pay 6 d. to Ralph Hubert, and he has paid nothing. Therefore let him make satisfaction at Christmas to the said Ralph and be in mercy, 6 d., for the wrongful detention; pledge, Michael Reeve.

The jurors say that Alexander at Cross, Gilbert son of Richard Reeve and Henry son of Henry Bovebrook have badly beaten Gilbert son of Reginald Wyse. Therefore let them make satisfaction to him for his damages and be in mercy for the trespass. Alexander's fine, 6 d; pledge, Richard Reeve; Gilbert's fine, 6 d.; pledge, Richard his father; Henry's fine, 6 d.; [pledge] Richard Reeve; and the damages are taxed at 12 d.

And they say that Elias Carpenter has wrongfully planted trees upon a boundary.

And they say that Maggie Carter has born a child to Richard son of Thomas Male out of wedlock. Fine of both of them, 6 d.

And Agnes daughter of Philip Saladin has raised the hue again Thomas Morborne who attempted to have connexion with her.

And they say that Gilbert Child has withdrawn himself from the fulling mill.[2] Therefore he is in mercy—he is poor.

And they say that John Bovebroc has omitted to pay the toll of flax.[3] Therefore he is in mercy, 6 d.; pledge, Henry Newbond.

Due from John Bovebrook for not producing Thomas of

[1] The two Williams are freeholders, R. H. i. 656.
[2] There was a fulling mill at Elton, Cart. Rams. i. 489, 490.
[3] See Cart. Rams. i. 489.

burne quem replegiavit ad standum recto pro filia Philippi
vj. d. Saldin quam voluit rapuisse vj. d., plegius Henricus Newe-
Pre' est bonde, et Thomas capiatur si venerit.

Et Agnes Cuttyle peperit extra matrimonium, pauper.

Et dicunt quod Galfridus de B*rin*ton' ret' arruram
vj. d. domino de dim. acra terre, ideo vj. d., plegius Henricus filius Prepositi.

Et dicunt quod Reginaldus Boneyt sub Westereston' appropriavit sibi iij. sulcos ad unam rodam suam de omnibus sell' abuttantibus super illam rodam, et alibi apud Arnewassebroc iij. sulcos ad unam foreram suam de omnibus sell' abuttantibus super illam foreram, ideo emendetur,
xij. d. et pro transgressione in misericordia xij. d., plegii Willelmus
Pre' est Bernewell' et Johannes Page.

[1] Et dicunt quod una vacca venit wayf' et est in curia Abbatis.

Adhuc dicunt quod homines de Waterneweiton' rever-
loq' serunt cursum aque apud Follewellemor et apud . . . mor unde loquendum est.

Adhuc dicunt quod homines de castro de Fodring'
loq' fecerunt purpresturam apud *Jarewelleton super Johannem Page et super Abbatem apud Wynewobesholm, unde loquendum est.*

Et dicunt quod Fabianus et Radulfus f' Imberti sunt carnifices set quilibet eorum dat ij. gall'.

Adhuc dicunt quod homines de Moreburne et de Haddon'
. . . . reverserunt [2] extra curs' apud *Byllingbroc'*, ideo emendetur et assignatus est dies ad emendend' [3] coram hundredo die Concepcionis B. Marie.

[1] m. 1 d. [2] Supply *aquam* or some similar word.
[3] *Sic.*

Morborne whom he had replevied to answer the charge of attempted rape on the daughter of Philip Saladin, 6 d.; pledge Henry Newbond, and let Thomas be arrested if he be found.

And Agnes Cuttyle has born a child out of wedlock—she is poor.

And they say that Geoffrey of Brington omitted to perform a service of ploughing half an acre due to the lord. Therefore he is amerced 6 d.; pledge, Henry Reeve's son.

And they say that Reginald Boneyt[1] near Westereston has taken to himself to form part of the rood that he holds three furrows subtracted from all the sulungs which abut upon that rood; also at Arnewassebroc he has appropriated to the headland that he holds three furrows from all the sulungs that abut upon that headland. Therefore be this put right and be he in mercy for his trespass, 6 d.; pledges, William Barnwell and John Page.[2]

And they say that a cow has come as a waif and is in the Abbot's court.

They say as they have said before that the men of Water Newton have diverted a water-course at Follewellemor and at . . . This must be discussed.

They say as they have said before that the men of Fotheringhay castle have made a purpresture at Yarwellton upon John Page and upon the Abbot at Wynewobesholm.[3] This must be discussed.

And they say that Fabian and Ralph Imbert's son are butchers; but each of them pays two fowls.

They say as they have said before that the men of Morborne and Haddon have diverted a water-course at Billingbrook.[4] Therefore let this be put right and a day is given for having it put right before the hundred [court[5]] on the feast of S. Mary's Conception.

[1] A freeholder, R. H. i. 656.

[2] Two freeholders.

[3] Fotheringhay Castle, Water Newton and Yarwell are close to Elton; the other places have not been found on the map.

[4] The Billing Brook divides Elton from Morborne and Haddon.

[5] The court, I suppose, of Normancross Hundred; but this did not belong to the Abbot of Ramsey, it belonged to the Abbot of Thorney, to whom Morborne and Haddon belonged.

Adhuc dicunt quod Jordanus Mustard nativus domini manet apud Alewalton' ubi duxit uxorem de hom*agio* . . .[1] de Burgo et habet ibidem dim. virg. terre de villenagio dicti Abbatis. Ideo preceptum Reginaldo Page et *ejus*
pre' est *decenne* quod habeat ipsum etc.

Adhuc dicunt quod Johannes filius Ricardi Dunning est tannator et manet apud Heyham, set dat per annum
cap' pro recognicione ij. cap', et quia *potens* est et habet multa bona, preceptum fuit Hugoni Achard et ejus decenne ad ultimum visum ad habendum ipsum ad istam curiam, et
pre' est non habuit, ideo ipse et decenna sua in misericordia. Condonatur.

Presentatum est per predictos jur' quod Reginaldus filius Benedicti injuste dedicit esse unus de xij. jur' allegando libertatem, desicut Alicia soror ejus fecit finem cum Stephano de Aylinton' tunc firmario pro se maritanda, et
vj. d. Cristiana et Athelina sorores ejus similiter fecerunt finem
loq' cum Willelmo de Wald' tunc firmario. Ideo dictus Reginaldus pro contemptu in misericordia, vj. d.

Dicunt eciam quod Willelmus de Bernewell injuste allegat libertatem propter quam contradicit esse unus de jur' desicut debeat dare merchett' si habeat filiam quam maritare velit ad voluntatem domini, et ita fecit Johannes
vj. d. le Freman, antecessor Elye le Freman[2] dedit mergett' pro
loq' quadam filia sua quam maritavit appud Nassinton' cuidam Rogero Crudde, ideo vj. d.

Dicunt eciam quod Johannes Page detinet arruram domini inter Pascha et Pentecosten per vij. dies Veneris scilicet quolibet die dim. acram. Condonatur misericordia quia postea solvit arruram.

[1] The word is washed out; but Alwalton was a manor of the Abbot of Peterborough situate in the north of Huntingdonshire, close to Elton.

[2] That these persons were ancestors of William does not appear. Persons named Freeman and paying merchet are worthy of observation; but we find similar cases on other manors of the abbey; Cart. Rams. i. 298, 334.

They say as they have said before that Jordan Mustard the born bondman of the lord dwells at Alwalton where he has married a wife of the homage of [the Abbot] of Peterborough and has there a half-virgate of land villanage of the said Abbot. Order is therefore given to Reginald Page and his tithing to produce him [Jordan] etc.

They say as they have said before that John son of Richard Dunning is a tanner and dwells at Heyham, but he gives two capons every year by way of acknowledgment; and for that he is well-to-do and has many goods, order was given to Hugh Achard and his tithing at the last view [of frank-pledge] to produce him at the present court. And Hugh has not done this; therefore he and his tithing are in mercy. This amercement is forgiven.

It is presented by the said jurors that Reginald[1] Benet's son wrongfully refuses to be one of the twelve jurors, alleging that he is a freeman, whereas in truth Alice his sister made fine with Stephen of Elton the then farmer [of the manor] for leave to marry, and Cristiana and Athelina his sisters likewise made fine with William of Wald the then farmer. Therefore the said Reginald is in mercy for his contempt, 6 d.

They also say that William of Barnwell wrongfully alleges himself free and therefore refuses to be one of the jurors, whereas in truth he ought to pay merchet at the lord's will when he wishes to give his daughter in marriage, and so did John the Freeman ancestor of Elias the Freeman, he gave merchet for giving his daughter in marriage to one Roger Crudde at Nassington. Therefore William [is in mercy], 6 d.

They also say that John Page[2] deprives the lord of his due ploughing service between Easter and Whitsuntide on seven Fridays, to wit, on each such day the ploughing of half an acre. The amercement is condoned for afterwards he discharged the service.

[1] On the Hundred Roll he and William of Barnwell appear as freeholders.
[2] A freeholder.

Michael Prepositus queritur de Richero filio Goscelini, Ricardo Preposito et uxore ejus eo quod ubi fuit in cimiterio de Aylenton' dominica proxima ante festum Omnium Sanctorum anno isto venerunt predicti Richerus, Ricardus et uxor ejusdem Ricardi et insultaverunt dictum Michaelem verbis turpissimis coram tota parochia inponentes quod idem Michael fenum suum collegit per operaciones domini Abbatis, et quod per precarias factas de custumariis Abbatis messuit bladum suum in autumpno et arravit terram suam in Eueresholmfeld' de carucis ville precatis, et quod relax' custumariis operaciones et averagia eorum tali condicione ut ipsi custumarii traderent et locarent eidem preposito *levi* precio terras eorum et quod cepisse debuit munera de divitibus ne essent censuarii et pauperes ad censum posuisse debuit.[1] Et predicti Ricardus et Richerus presentes defendunt etc. et petunt quod inquiratur per xij. jur.' Qui veniunt et dicunt quod dictus Michael in nullo articulo est culpabilis ideo dictus Ricardus et Richerus satisfaciant eidem Michaeli, et pro transgressione in misericordia, finis
ij. s. Ricardi ij. s. plegius Willelmus filius Jacobi, finis Richeri
xij. d. xij. d. Goscelinus. Et taxata sunt dampna ad recip' de
pre' est Ricardo Preposito x. s. quos idem Michael relax' usque ad ij. s.

[2] * * * * * * *

Summa xxxviij. s. x. d.

[1] Probably on this as on many manors the custom allowed the lord to commute the labour services of the villan tenants into money payments, 'potuit ponere eos ad censum.' The reeve was charged with having commuted the services of the poorer tenants into money rents, while he took bribes from the richer tenants for allowing them to pay not in money, but in labour. The commutation rent seems to have been eight shillings for the virgate.

[2] The ale-tasters present their report and numerous amercements are inflicted.

Michael Reeve complains of Richer Jocelin's son and Richard Reeve and his wife for that when he was in the churchyard of Elton on the Sunday next before the feast of All Saints in this year, there came the said Richer, Richard and Richard's wife and insulted him before the whole parish with vile words charging him with collecting his own hay by means of the labour services due to the Abbot, and with reaping his own crop in autumn by means of boon-works done by the Abbot's customers,[1] and with ploughing his own land in Eversholmfield by means of ploughs 'booned' from the vill, and with releasing the customers from their labours and carrying services on condition of their letting and handing over their land to him at a cheap rate, and of taking gifts from the richer tenants as a consideration for not turning them into tenants at money rents and with obliging the poorer tenants to become payers of money rent. And the said Richard and Richer are present and defend etc.,[2] and crave that [the truth] be inquired by [the ?] twelve jurors. Who come and say that of none of the charges is he [Michael] guilty. Therefore let the said Richard and Richer make satisfaction to the said Michael, and be in mercy for the trespass. Richard's fine 2 s.; pledge, William Jacob's son. Richer's fine 12 d.; pledge, Jocelin. And Michael's damages are taxed and he is to receive 10 s. from Richard Reeve; but Michael releases all save 2 s.

* * * * * * *

Sum total, 38 s. 10 d.

[1] The word 'customer' seems the best translation of 'custumarius.'

[2] It would seem from the verdict that the defendants justified the slander.

Parva Styuekle die Jovis proxima post Circumcisionem Domini anno supradicto.

Nomina juratorum, Willelmus Aristot, Simon Benereht, Alexander Faber, Thomas Wale, Rogerus Wyting, Bateman Ordwy, Thomas Hulot, Radulfus de Stouwe, Robertus filius Royse, Alexander Seberin.

De capitagio dant iiij. s. De homagio le Enveyse pro
v. s. eodem xij. d.[1]

[2]* * * * * * *

De Stephano filio Unfridi quia litigavit[3] cum Ricardo Molendinario et levavit uthesium super ipsum in molendino
vj. d. de Stiuecl' vj. d., plegius Ricardus Molendinarius.

Jurati dicunt quod Symon Chacede fecit defaltam, xij d.,
ij. s. et Isabella de Weston' idem, xij d.

Dicunt quod carucarius domini Radulfi Rastel verberavit et male tractavit Johannem Scot hominem *Fratris* W. Margarete ex quo uthesium fuit levatum. Et quidam Thomas serviens supradicti domini Radulfi Rastel objiciendo dixit quod dictus carucarius manebat apud Alkemundebiri et dictus J. Scot verberavit et male tractavit dictum carucarium et fecit sibi rescussum de bydentibus pastis in erbagio domini sui injuste et posuit se super inquisicionem supradictorum juratorum, qui dixit[4] quod dictus J. Scot non verberavit set fecit rescussum sicut predictum est et juste quia non fecit super feodum domini R. Rastel set super alienum. Ideo dictus Thomas in
xij. d. misericordia xij d., plegii Lewynus . . . et Hugo Poer et satisfaciat dicto J. Scot et Fratri W. de transgressione.

Dicunt quod Willelmus Salatiel receptavit unum extraneum nomine Robertum de Coldmortone *et est* ferrator, ideo in misericordia vj. d., plegius Hugo filius Thome. Et dictus Robertus invenit plegios quod se habebit fidelem

[1] The L'Enveyses are military tenants of the Abbot; in some of the manors that they hold of the Abbot they have the view of frank-pledge, but under the eye of the Abbot's bailiff, who carries off a fixed sum out of the proceeds ; P. Q. W. 297.

[2] Ale-tasters' report and consequent amercements.

[3] Probably *litigare* here means merely to dispute, to squabble; it is sometimes used in this sense.

[4] Corr. *dicunt.*

Little Stukeley. On Thursday next after the feast of the Circumcision in the said year [A.D. 1279].

Names of the jurors: William Aristotle,[1] Simon Benereht, Alexander Smith, Thomas Wale, Roger Whiting, Bateman Ordwy, Thomas Hulot, Ralph of Stowe, Robert Roise's son, Alexander Seberin.

For chevage they give 4 s. From the L'Enveyse homage for the same, 12 d.

* * * * * * *

From Stephen Humphrey, 6 d. for squabbling with Richard Miller and raising the hue against him in the mill at Stukeley; pledge, Richard Miller.

The jurors say that Simon Chacede has made default, 12 d., likewise Isabella of Weston, 12 d.

They say that the ploughman of Sir Ralph Rastel[2] beat and ill-treated John Scot the man of Brother W. Margaret whereupon the hue was raised. And one Thomas, the servant of the said Sir Ralph Rastel, by way of objection said that the said ploughman dwells at Alconbury and that the said John Scot beat and ill-treated the said ploughman and wrongfully rescued from him sheep which had pastured on the land of his [the ploughman's] lord [i.e. Sir Ralph]; and [the said Thomas, the servant,] put himself upon the inquest of the said jurors. The jurors say that J. Scot did not beat [the ploughman] but did make rescue as aforesaid and rightfully for this happened[3] on the fee not of Sir Ralph but of another person. Therefore the said Thomas is in mercy, 12 d.; pledges, Lewin . . . and Hugh Poer, and let him make satisfaction to the said John Scot and to Brother W. for the trespass.

They say that William Salathiel received a stranger, Robert of Coldmorton by name, who is an iron-smith; therefore he is in mercy, 6 d.; pledge, Hugh Thomas's son. And the said Robert found pledges, namely William

[1] Aristotle, son of William, appears in Cart. Rams. i. 392.
[2] Sir Ralph is a freehold tenant of the Abbey, R. H. i. 599.
[3] i.e. the distress was made.

eundo et redeundo in villa de Stiuecl' sine ullo detrimento alicujus videlicet Willelmum Salatael et Radulfum de Stouwe.

De xij. jurat' quia dixerunt quod omnes braciatrices fregerunt assisam cervisie et una tenuit, et pro aliis con-
iiij. s. celamentis iiij s.

Summa xv s. vj d.[1]

* * * * * * *

[2] **Visus apud Gyddingg' die Martis proxima ante festum S. Andree Apostoli anno regni Regis Edwardi xix° et anno domini J. Abbatis quinto coram W. de Wassingl'.**

Nomina juratorum Willelmus filius Willelmi a Bouetun, Johannes le Neweman, Martinus filius Walteri, Johannes . . .[3] Henricus Carpentarius, Robertus Fraunkeleyn lib'.[4]

vj. viij. d. De capitagio dant vj s. viij d.

[5] * * * * * * *

Capitales plegii jur' dicunt quod Ricardus Tixtor uxoratus convictus fuit super adulterium ad capitulum cum quadam muliere . . . ubi perdidit catalla domini, ideo in misericordia. Condonatur. Plegius Martinus filius Walteri.[6]

Et dicunt quod Johannes filius Nicholai de Gydding' receptavit quemdam extraneum Willelmum Fykeys extra
vj. d. decenna existentem, ideo in misericordia vj. d., plegius Simon Pekker'.

Et dicunt quod Alanus Scot superoneravit pasturam cum bestiis suis, et non habet tenementum per quod *com-*
xij. d. *munam debet* habere, ideo in misericordia vj. d., plegius Willelmus Bycke. De Simone Pecker' pro eodem vj. d., plegius Alanus Scot. De Willelmo Messore pro eodem, pauper, plegius Willelmus Bycke.

[1] End of m. 1 d. The other membranes are of later date.

[2] m. 4.

[3] John's surname is illegible.

[4] Seemingly, Robert Franklain is the only freeman upon the jury; he appears as Robert the Freeman in R. H., i. 632.

[5] Ale-tasters' report and consequent amercements.

[6] Compare the entry about John Monk on p. 98.

Salathiel, and Ralph of Stowe, that he will behave as a faithful subject in his going and coming in the vill of Stukeley without occasioning harm to any.

Due from the twelve jurors, 4 d., for saying that all the brewsters had broken the assize of beer, whereas one had kept it, and for other concealments.

Sum total, 15 s. 6 d.

* * * * * * *

View [of Frank-pledge] at Gidding on Tuesday next before S. Andrew's[1] day in the nineteenth year of King Edward and the fifth of Abbot John [A.D. 1290] before William of Washingley.

Names of the jurors: William son of William above Town, John Newman, Martin Walter's son, John . . ., Henry Carpenter, Robert Franklain, freeman.

For chevage they give 6 s. 8 d.

* * * * * * *

The chief pledges being sworn say that Richard Dyer a married man was convicted in the chapter of adultery with a certain woman . . . and so lost the chattels of the lord. Therefore he is in mercy. The amercement is forgiven; pledge, Martin Walter's son.

And they say that John son of Nicholas of Gidding received a stranger one William Fykeys who was not in frank-pledge. Therefore he is in mercy, 6 d.; pledge, Simon Pekker.

And they say that Alan Scot has surcharged the pasture with his beasts, and he has no tenement in respect of which he ought to have pasture. Therefore he is in mercy, 6 d.; pledge, William Bycke. From Simon Pekker for the same, 6 d.; pledge, Alan Scot. From William Reaper for the same—he is poor; pledge, William Bycke.

[1] S. Andrew is 30 Nov.

Et dicunt quod Sarra le Monck' tenuit unum cotagium de domino Abbate ad quod cepit virum de homagio domini Reginaldi le Gray, ideo dictum cotagium fuit captum in manum domini per prepositum de Gydding' qui super hostium domus ejusdem cotagii pendidit j. seruram, et dicta Sarra venit et fregit seruram cum j. lapide et fecit hamsok', ideo in misericordia, plegius Johannes Monck', et quia maritavit se sine licencia domini, ideo distringatur ad faciendum finem pro gersumma. (Et nichilominus capiatur dictum mesuagium in manum domini et de exitibus respondeatur, et predicta Sarra in misericordia vj. d.)

vj. d.
pre' est

Et dicunt quod Alicia uxor Johannis Bert malo modo cepit j. lintheamen pendens super hayam Willelmi filii Rogeri, et inde fecit eidem unam camisiam, ideo in misericordia vj. d., plegii Willelmus Abouetun et Johannes filius Hawysie.

vj. d.

De tota villata quia non tenuit vigil,' v. s.[1]

v. s.

[[2] Et dicunt quod Johannes le Mononk adhuc continuat luxuriam cum Sarra le Hewen uxore Simonis le Hewen et communiter sequitur diversa capitula ubi multociens perdit catalla domini in adulterio cum predicta Sarra prout sepius temporibus retroactis presentabatur nec vult castigari. Ideo in comped'. Et postea fecit finem pro dim. marca per plegium Johannis le Lach', Johannis Bynethetun, Walteri Kyng, Simonis Bayllon, Walteri Fraunkeleyn, et Johannis de Coten'. Et omnes predicti plegii manuceperunt dictum Johannem quod si aliquo tempore decetero convictus fuit in adulterio cum prefata Sarra ipsum reducant et in comped' reponant donec aliud de domino seu ejus seneschallo habuerint in precept'.]

dim. m.

pre' est

[1] Here end the proceedings of this court.

[2] The following presentment occurs on another roll of this manor of Gedding (A. O. port. 1. no. 88, m. 1) which seems to belong to Edward II.'s day. It is here printed to explain the case of Richard Dyer which has just come before us. The doctrine that in strict law the chattels of the villan are really the chattels of the lord enables the lord to exercise a paternal control in the interests of moarlity.

And they say that Sarah Monk holds a cottage of the Abbot and took to it a husband from the homage of Reginald Grey,[1] wherefore the said cottage was seized into the hand of the lord by the reeve of Gidding who hung a lock on the door of the said cottage; and the said Sarah came and brake the lock with a stone and committed hamsoken. Therefore she is in mercy; pledge, John Monk. And for that she married without the lord's leave, let her be distrained to make fine for her gersum. And none the less let the said messuage be seized into the lord's hands and the issues thereof be answered for, and the said Sarah be in mercy, 6 d.

And they say that Alice wife of John Bert in evil manner took a sheet that was hanging on the hedge of William Roger's son and thereof made herself a shirt. Therefore she is in mercy, 6 d.; pledges, William above Town and John Hawise's son.

Due from the whole township for not keeping watch, 5 s.

[And they say that John Monk still continues his luxury with Sarah Hewen wife of Simon Hewen and is constantly attending divers chapter courts where frequently he loses the lord's goods by reason of his adultery with Sarah, as has often been presented before now, nor will he be chastened. Therefore be he in the stocks. And afterwards he made fine with one mark on the security of John Lach, John Beneathton, Walter King, Simon Bayllon, Walter Franklain, and John of Cottenham; and all the said pledges undertake that if the said John at any time hereafter be again convicted of adultery with the said Sarah, they will bring him back and restore him to the stocks, there to remain until they have some other command from the lord or his steward.]

[1] He holds of the Abbot the manor of Hemingford Grey.

IV. THE ABBOT OF RAMSEY'S COURT AT KING'S RIPTON.

INTRODUCTORY NOTE.

Here follow extracts from a set of rolls of the manor of Ripton Regis in Huntingdonshire (Augmentation Office, P. 23, No. 94), which rolls begin in 1288 and run on, though with many gaps, into the reign of Edward II. My attention to their peculiar importance was drawn by Dr. Vinogradoff, who will make use of them in his forthcoming work on English Land Tenures.

The manor of King's Ripton lay in the middle of what we have called the Abbot's 'home estate,' surrounded by his manors of Abbot's Ripton, Broughton, Hurst, Houghton and Stukeley. Anyone perusing the extents in the Ramsey Cartulary will see at once that King's Ripton is a manor of an unusual kind (i. 397). It is ancient demesne of our lord the King. True that this does not appear on the face of Domesday Book. The King is not there credited with any land at Ripton. He has however a manor of 15 hides at Hartford (D. B. i. 203 b) and in the Hundred Rolls we find (ii. 591) that 'Herford cum Riptona' was formerly royal demesne. I think that there could be little doubt that in 1086 the royal estate at what came to be called King's Ripton was reckoned part of the royal estate at Hartford. At any rate King's Ripton was always treated as ancient demesne. Henry I. granted 'manerium meum de Riptona' to the Abbot at an annual rent of 8*l.* (Chron. Rams. 283); the charter was confirmed by succeeding kings; thus the Abbot rounded off his home estate. But the men of King's Ripton were troublesome tenants, very unlike the villans on the other manors. I do not think that there was a true freeholder among them (Cart. Rams. i. 398, unless it was Henry the Freeman who used to hold on the same terms as the others but only paid rent when the extent was made), but they were royal sokemen protected by the *Monstraverunt* and *Parvum Breve de Recto*, and the Abbot could not increase their services.

The best picture of the situation as it was at the beginning of Edward I.'s reign is given by two records of *Monstraverunt* in the Court of King's Bench, of which, though rather long, a translation shall be given.

Coram Rege, Trin. 3 Edw. I. Roll No. 17. m. 14 d.

'*Huntingdon.*—The Abbot of Ramsey was attached to answer Reginald le Stalkere, Hugh John's son, John le Stalkere and Simon le Eyr, men of the manor of Kyngesrypitton' which was of the ancient demesne of the crown of our lord the King, of a plea wherefore he distraineth them to do other customs and other services than they were accustomed to do in the times when the said manor was in the hands of the predecessors of our lord the King, kings of England, and whereof the said men complain that whereas in the time of King Cnout when the said manor was in the hands of the said King their ancestors held their tenements by the services hereunder written, to wit, by rendering for every virgate of land 5 s. by the year and by giving after the death of every ancestor for a relief 2 s. 6 d., and for a greater tenement more and for a lesser tenement less, and by giving tallage whensoever the King tallaged his other manors, and all their ancestors held their tenements by the said services until the conquest of England and from the conquest until the time of King Henry grandfather [*sic*] of King John grandfather of our lord the now King until the time of a certain Abbot of Ramsey, Robert Dogge [1] by name, who in the time of the said King Henry distrained their ancestors to give a relief at his will and likewise tallage year by year and likewise merchet for marrying their daughters and to do ploughings and reapings in the autumn and other undue customs, and from the time of the said King all the Abbots succeeding the said Abbot until now distrain them and all their ancestors to do the said undue services and undue customs, whereby they say that they are deteriorated and have damage to the value of £100, and thereof they produce suit.

'And the Abbot by his attorney cometh and defendeth tort and force when etc., and saith that he ought not to answer them to this writ because in their count they make no mention of having been in the estate in which they were in the time of King

[1] Robert Trianel was abbot from 1180 to 1200; he had been Prior of Northampton. Robert of Reading was abbot from 1202 to 1214. But a certain Dogga or Doggus, a serjeant of Henry II., held land at Ripton early in Henry's reign, and was in litigation against the Abbot; Chron. Rams. 291 2. The memory of the *homines* may be faulty.

Knout (which estate they claim to have) in the time of any king of whom memory may be had (*alicujus regis de quo memoria haberi possit*) nor of whose time a writ of right runneth or a verification by the country may be made, and because the said Reginald and the others confess that the said Abbot and his predecessors have been in seisin of perceiving from them and their ancestors the services which they now refuse to perform from time whereof the writ of right runneth not.

'And Reginald and the others do well confess that the said Abbot and his predecessors have been in seisin of perceiving from them and their ancestors the said undue services from the time of the said King Henry of whom they make mention in their count, but forasmuch as this writ which is granted in favour of the demesnes of our lord the King hath no prescription of time they crave judgment whether by reason of any lapse of time they can be excluded from their action.

'Afterwards the said Abbot cometh and answereth further and saith that they ought and were wont at the time aforesaid to hold their tenements not by the said services only but also by many other services, to wit, by such services as appear in a plea on the morrow of All Souls between the said Abbot and other men of Ripton in a similar action and of this he puts himself upon the country.

'And the men likewise.

'Therefore the sheriff is commanded that he do cause to come in the Octaves of S. Hilary wheresoever etc. twelve etc. by whom etc. to recognise in such form as is contained as aforesaid in the roll of Michaelmas term on the morrow of All Souls.'

Coram Rege, Mich. 3-4 Edw. I. Roll No 18. m. 31 d.

'*Huntingdon.*—The Abbot of Ramsey was attached to answer Ralph of Rypton, Hugh Bertelot, Nicholas of Boclande, John in the Hurn', Hugh Russell, Ivo Walter's son, William of Ramsey, Brythwold Henry's son, Nicholas Hugh's son, Stephen Robert's son, Thomas Humphrey's son, Nicholas John's son and Thomas Simon's son men of the Abbot of Ramsey of the manor of Kingesriptone, which was in the ancient demesne of the King's crown, of a plea wherefore, whereas the said men ought to hold their lands and tenements in the said manor by services certain[1] and they and all their ancestors in the times in which the said manor was in the hands of the King's predecessors, kings of England, were wont to hold the said tenements peaceably by the said services, which

[1] *certain* in the sense of *fixed.*

services they themselves are now ready to do to the said Abbot as they and their ancestors have been wont to do for the said tenements, the said Abbot doth so heavily and beyond measure (*graviter et enormiter*) distrain the said tenants to do to him other customs and other services for the said tenements that by reason thereof they are compelled to relinquish their lands and tenements, and moreover doth cause the said men and their beasts to be taken and arrested in markets and other places outside the franchise of the said manor, and other enormous things to them doth to the damage of the said men £100 and against the peace etc., and whereof the said men by their attorney complain that whereas their ancestors in the time of King Henry grandfather of our lord the now King were wont to hold their land by services certain, to wit, for every virgate of land 5 s. by the year, and for a relief after the death of their ancestors for every virgate of land 2 s. 6 d. and for a greater tenement more and for a less less, and by giving tallage whenever our lord the King doth tallage his other manors by way of certain tallage by the taxation of their peers, for all services, the said Abbot doth distrain them to do other customs and divers other services in other manner than they ought or have been used to do, whereby they say that they are deteriorated and have damage to the value of £100.

'And the said Abbot cometh and defendeth tort and force when etc. and saith that in the time of the said King Henry great-grandfather of our lord the now King his predecessors Abbots of Ramsey were in seisin of the manor of Rippetone, and and that the ancestors of the said men at that time did to his said predecessors not only the said services but those and many others, to wit, for every virgate of land 25 d. by the year, and for a relief after the death of their ancestors 5 s. for every virgate of land, and for the merchet of their daughters for every daughter married 5 s. and for less land less service as the case might be, and for the leirwite of their daughters for every daughter convicted thereof 2 s. or less if poverty demanded and one work (*operacio*) to be done by every of them in every week from 29 Septr to 1 Augt at any kind of work that might be commanded them by summons; and for a ploughing to be done every Friday from 29 Septr to 1 Augt with so many heads as they have in their plough and every plough shall plough one selion as it lies (*arrabit unum celionem sicut jacet*), and this unless a feastday interfere and in that case taking the whole year one feast shall be reckoned to the lord and the next to the said

men, saving fifteen days at the feast of Christmas and eight days at Easter and eight at Pentecost in which they shall not plough nor do any other manner of work, but whatever be the kind of work that they ought to do, saving in the wood, they ought to work each day from sunrise to sunset; and for binding bundles (*et pro facina facienda*) in the meadow of Haycroft so that when they shall mow that meadow the whole township shall have 8 d. from the Abbot's purse for a drinking bout which is called scotale (*ad potacionem ut dicitur scothall'*), and in case any discord or trespass shall there arise among them amends shall be made among themselves and the Abbot shall receive the amercement; and on one day when they reap the aforesaid meadow every of them shall have one bundle of grass (*fastaculum herbe*) bound with a tie of grass as large as he can raise on the handle of his scythe (*super hastam falcis*), so that should the handle be broken by the weight of the grass he shall lose the grass but shall not be punished (*occasionabitur*) for this, and also the said men ought to quash (*cassare*) collect and carry the hay into the Abbot's court; and for three works (*operaciones*) from each of them in every week from 1 Aug[t] until the corn be placed in the barn, but they shall do no ploughing while harvest lasts; and to the autumn boon-works (*precaria*) shall come every of them who can carry a scythe as well others as land-tenants, save their wives, and each of them shall have a loaf, meat and beer, but on one day called the loveboon (*lovebone*) each of them at his own cost shall find one man to reap; also from the time when the corn shall be fully collected until Michaelmas they shall do works in the same way as after Michaelmas; and whenever any of them shall work within the vill he shall go to his dinner at his own house and afterward shall return to his work; also they ought to do suit to the court of the said Abbot in the said manor from three weeks to three weeks on being summoned three days in advance, at which courts if any of them be amerced he shall give an amercement according to the quantity of the misdeed; and also they ought to be tallaged when our lord the King tallageth his boroughs and manors and this by the oath of their peers; and also they shall give in common for meadow 4 s. 3½ d. whereof 2 d. are to be levied from John Stalkere and the residue is to be levied from all in the vill who have meadow; also they shall do one ploughing boon-work at the meat of the said Abbot; also every acre of the land which is called Herilonde shall give one farthing by the year when it is mown; also for every pig of theirs which is a year old or more they shall give one penny and

for a pig half a year old a halfpenny albeit they be fed with grain; also from every cotman of the four cotmen 4 d. by the year and every week one work; also no sons of the said men ought to be ordained without the licence of the said Abbot nor may any of the said men leave the said manor without the licence of the said Abbot: and that the ancestors of the said men in the time of the said King and before and after that time have used to do these services to the predecessors of the said Abbot, and not merely the customs and services which the said men set forth, he puts himself upon the country.

'And the said men likewise.

'Therefore the sheriff is commanded that he do cause to come in the Octaves of S. Hilary wheresoever etc. twelve etc. by whom etc. and who neither etc. to recognise in the form aforesaid, because both etc.

'Afterwards in three weeks from Easter-day come the jurors who say upon their oath that the said men of Kiggesryptone and all their ancestors as men of the said manor in the time of King Henry great-grandfather of our lord the now King and after and before that time have always used to do all the said services which the said Abbot hath set forth, and that all his predecessors Abbots of Ramsey from the time aforesaid were in seisin of the said services and customs of the said men and their ancestors, saving however one particular, namely that if the said men quarrel at the scotale (*in potatione discordaverint*) or any trespass be there done among them they may well make concord of the matter between themselves without the Abbot receiving thence any amercement.[1]

'And therefore it is considered that the said men and those who shall issue from the said men do the said services and customs to the said Abbot and his successors Abbots of Ramsey henceforth for ever, and that the said men be in mercy.'

The result of this remarkable lawsuit was therefore in the Abbot's favour; and indeed it may seem strange to us that these men of King's Ripton should have dreamt of freeing themselves from services to which on their own showing they had been subject for more than a century and from time beyond legal memory. But they get the advantage of the doctrine that time does not run against the King. Another curious point is that the services which the Abbot successfully claims are in several respects distinctly more onerous than those recorded in

[1] This peculiarity is noted in Cart. Rams. i. 399.

an extent which seems to be a little older than this plea (Cart. Rams. i. 397). In the extent there is no mention of merchet (though this is carefully noted in the extents of other manors) and no mention of any restraint on the liberty of leaving the manor. Near the end of Edward I.'s reign these men got into another long litigation with the Abbot about tallage (Madox, Exchequer, i. 757).

Protected collectively by the writ of *Monstraverunt* against any increase of services the sokemen were protected individually in the enjoyment of their tenements by the *Little Writ of Right*. I am able to give among the following extracts several actions begun by such writs, among others an action against the Abbot himself which we can trace through all its stages; the lord, like any other litigant, can be summoned and distrained to come into his court and be impleaded there. Our extracts bring out the point that the suitors of this court were the judges, or rather 'judgment-makers' in it, though the lord's steward presided. Still even on this privileged soil we can see how the example of the King's court was constantly tending to depress the suitors, to turn them from judges into jurors, to convert a tribunal of the old German type with its *Richter* and *Urtheilfinder* into a tribunal of the new English type with its judge and jury.

The court sat as a rule every three weeks. Apparently on the other manors the Abbot held a court but twice a year when the view of frank-pledge was made. The view of frank-pledge was made at King's Ripton also; but the records relating to this were entered along with the similar records relating to the other manors, while the three-weekly court of ancient demesne had rolls of its own. It is hoped that enough has been copied to show their nature. They are full of 'surrenders,' differing in this respect from most of the contemporary rolls. A brisk traffic was done in small parcels of land. How this traffic in roods was compatible with the system of virgate holding that we see in the extent of the manor is not very clear. The fine for the admission of a new tenant was fixed at a penny per rood. But this applied only when the surrenderee was 'of the blood of King's Ripton'; a stranger it would seem could gain no right to admittance without licence, and it is very noticeable that the requisite licence is described, not as the licence of the lord, but the licence of the court. The privileged nature of the tenure had engendered a privileged race, very tenacious of its land and of its customs. A person who is of the blood, of the 'nation' of King's Ripton is in an utterly different position from that of

the 'extraneus,' the outsider. This is shown by many entries. I will here add the English of one (m. 23) which comes from Edward II.'s time and so lies a little outside our period. It concerns the law of inheritance.

'The whole township says that Thomas Arnold who purchased a messuage and 14 acres of land in the vill of King's Ripton has died seised of the whole of the said tenement; and they say that one Ralph Arnold his brother is his nearest heir by blood; but they say that by the custom of the manor Nicholas son of John in the Nook is the nearest heir of the said Thomas to hold that tenement according to the custom of the manor, for that the said John in the Nook father of the said Nicholas who was of the blood of the vill (*de consanguinitate ville*) married Margaret sister of the said Thomas which said Margaret was born at "Byry" near Ramsey,[1] upon whom he begot [the said Nicholas] who now demands the land.'

This case is reserved for the Abbot's own hearing. It illustrates the desire of the sokemen themselves to maintain an exclusion of outsiders. Only persons of the privileged blood may hold the privileged tenements, even though the common rules of inheritance are thus set aside.

The numerous surrenders on these rolls bring out the point that the idea of one man being seised of land to the use (*ad opus*) of another was a familiar idea enough in the manorial sphere long centuries before the Court of Chancery began to coerce the 'feoffee to uses' with a writ of subpœna. Land is habitually surrendered into the lord's hand 'to the use' (*ad opus*) of a new tenant.[2] There can, it is believed, be no doubt that our word *use* when used in such a context is legitimately descended, not from the Latin *usus*, but from the Latin *opus*, which becomes in French *oes*, *ues*; but the confusion of the two words began at an early time. (See Law Quarterly Review, iii. 115.)

[1] That is at Bury, which adjoins Ramsey but is some five miles from Ripton. Nicholas's mother, through whom he was connected with the dead man, was not of the Ripton blood; but his father was, and so he is to be preferred to his maternal uncle.

[2] I do not mean to imply that when a customary tenant surrendered land into the hands of the lord to the use of a purchaser there was any legal process for enforcing this 'use,' though if the manor were on the ancient demesne it might be rash to say that the little writ of right could not be employed for the purpose. This explanation is called for by a kind criticism coming from America.

[CURIA ABBATIS RAMESIENSIS APUD RIPTONAM REGIS.]

Curia de Ripton' Regis die Veneris ante festum S. Gregorii Pape anno domini J. Abbatis secundo coram W. de Bereford et W. de Wassingle.

* * * * * * *

Beatrix que fuit uxor Willelmi de Alkemunebyr' tulit breve rotulo attachiatum[2] de racionabili dote sua habenda secundum usum et consuetudinem manerii de Ripton' Regis versus Thomam le Clerk de Wystowe et alios in eodem brevi contentos. Et ipse Thomas et omnes alii veniunt et petunt sibi concedi leges et consuetudines hactenus usitatas in eadem curia, scilicet quod habeant sicut semper preteritis temporibus habuerunt ut dicunt tres summoniciones tres districiones et tria essonia antequam appareant et post apparantiam si fecerint defaltam quod capietur terra in manum domini, et nisi terra illa sic capta repleviata fuerit infra xv. dies, quod terra eadem omnino fuisset amissa, quod quidem per senescallum concessum fuit eisdem et prefixa est eis prima curia die Veneris proxima ante Annunciacionem B. Marie.

Hugo Graeling reddit in manum domini ad opus Johannis Pikard iij. acras jacentes super Schorthepeye et
xiij. d. unam rodam super Haldeshelle, xiij. d.

Johannes Otes solvit sursum unam rodam terre jacentem
j d. apud Brokes ad opus Roberti Blurt de Brocton', j. d.

Hugo Graeleng reddit sursum unam rodam et unum bot

[1] Augmentation Office Court Rolls, Portf. 23, No. 94, m. 3.

[2] The writ has perished, but the holes by means of which it was attached to the roll are visible.

[COURT OF THE ABBOT OF RAMSEY AT KING'S RIPTON.]

Court of King's Ripton on Friday before the feast of S. Gregory [1] in the second year of Abbot John before W. of Bereford and W. of Washingley [2] [A.D. 1288].

* * * * * * *

Beatrix formerly the wife of William of Alconbury brought the writ which is annexed to this roll that she might have her reasonable dower according to the usage and custom of the manor of King's Ripton against Thomas Clerk of Wistow and the other persons named in the said writ. And Thomas and all the others come and crave that they be allowed the laws and customs heretofore used in the said court, to wit, that they may have, as in past times they (so they say) have always had, three summonses, three distresses and three essoins before appearance, and that after appearance in case they make default the land may be seized into the lord's hand and that then unless the land so seized be replevied within fifteen days the said land shall be lost for good and all. And this is allowed them by the steward and a day is given them at the next court, namely on the Friday before Lady Day.

Hugh Grayling renders into the lord's hand to the use of John Pickard 3 acres lying upon Schorthepeye and one rood upon Haldeshelle ; [fine for alienation,] 13 d.

John Otes surrenders 1 rood of land lying at Brokes to the use of Robert Blurt of Broughton ; [fine,] 1 d.

Hugh Grayling surrenders 1 rood and 1 butt containing

[1] This feast is 12 March.

[2] William of Washingley is the Abbot's steward. William of Bereford very possibly is the man of that name who a few years afterwards became a judge. He may now be the Abbot's legal adviser. In 1302 the Abbot owed him 240*l.*, a large sum ; Chron. Rams. 374.

continentem dim. acram ad Saxpes ad opus Stephani
ij. d. Robat, ij. d.

ij. d. Idem Hugo reddit sursum dim. acram terre jacentem super Threherdole ad opus Bartholomei filii Brit', ij. d.

Idem Hugo reddit sursum v. rodas terre jacentes super Saxpes ad opus Hugonis in Angulo, v. d.

[1] * * * * * * *

Curia de Ripton' Regis die Veneris proxima ante Dominicam Palmarum anno J. Abbatis secundo.

* * * * * * *

[2] Eadem Beatrix petit versus Andream Cuty medietatem duarum rodarum prati et versus Johannem le *Den* medietatem unius acre terre et trium rodarum terre et versus Ricardum Bailof medietatem unius rode terre. Qui veniunt et petunt licenciam concordandi et concordati sunt per licenciam ita quod predicta Beatrix recuperet seisinam suam de predictis terris et predicti Andreas {Johannes} et Ricardus pro injusta detencione in misericordia. Plegius alter alterius, et preceptum est ballivo quod faciat ei plenam
ij. s. vj. d. seisinam. Finis Andree xij. d., finis Johannis xij. d., finis Ricardi vj. d.

Nicholaus Arnold reddit sursum unam rodam terre jacentem super *Asselinel* inter terram Rogeri filii Willelmi et terram Hugonis le Chapman ad opus Johannis Pykard.

Nicholaus de Aula reddit sursum ad opus Johannis Pykard tres rodas terre super Hapselhul.

Tota villata dicit quod Walterus le Den facit defaltam, et ideo preceptum est quod distringatur.

[1] Other surrenders similar to the above.

[2] m. 3 d.

half an acre at Saxpes to the use of Stephen Robat; [fine,] 2 d.

The said Hugh surrenders a half acre of land lying upon Threherdole to the use of Bartholomew Brit's son; [fine,] 2 d.

The same Hugh surrenders 5 roods of land lying upon Saxpes to the use of Hugh in the Nook; [fine,] 5 d.

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Court of King's Ripton on the Friday next before Palm Sunday in the second year of Abbot John [A.D. 1288].

* * * * * * *

The said Beatrix [widow of William of Alconbury] demands against Andrew Cuty a moiety of two roods of meadow and against John Dene a moiety of one acre of land and of three roods of land and against Richard Bailof a moiety of one rood of land. The defendants come and crave leave to make concord and they make concord by leave [of the court] on the terms that Beatrix do recover her seisin of the said lands and that Andrew, John[1] and Richard be in mercy for the unjust detention. Each of them is pledge for the other, and the bailiff is commanded to give her full seisin. Andrew's fine, 12 d.; John's, 12 d.; Richard's, 6 d.

Nicholas Arnold surrenders one rood of land lying upon Asselinel between the land of Roger William's son and the land of Hugh Chapman to the use of John Pickard.

Nicholas Hall surrenders three roods of land at Hapselhall to the use of John Pickard.

The whole township says that Walter Dene makes default, and therefore it is ordered that he be distrained.

[1] But John's name is struck out.

Curia de Ripton' Regis die Lune proxima ante festum Tyburty et Waleraini anno domini J. Abbatis ii°.

[1] * * * * * * *

Hugo Greleng queritur de Johanne Dike de eo quod idem Johannes ipsum defamavit ipsum vocando furem et alia enormia ei intulit die Veneris proxima post festum S. Scolastice Virginis ultimo preterito contra pacem et ad dampnum ipsius Hugonis dim. m.

Et Johannes venit et defendit etc. et dicit quod ipsum non defamavit nec alia enormia ei intulit ad dampnum etc. et hoc vult quod inquiratur secundum consuetudinem manerii. Et Hugo similiter.

Jur' dicunt quod Johannes defamavit dictum Hugonem sicut ei imposuit ad dampnum etc. Ideo consideratum est
Preceptum est quod dictus Johannes pro transgressione in misericordia et dictus Hugo recuperet dampna etc. Relaxantur ad vj. d.,
vj. d. vj. d. plegii Nicholaus Neweman et Yvo filius Walteri.

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Beatrix que fuit uxor Willelmi de Alcmunbiri optulit se versus Thomam le Clerc de Wistowe, Johannem Pikard, Willelmum de Iuyngeho, Henricum de Brocton', Willelmum filium Willelmi, Rogerum filium Willelmi et Henricum filium Simonis Provost de placito terre, et summoniti sunt, et summonicio testificata est, et non veniunt, ideo consideratum est quod tercio summoneantur secundum consuetudinem manerii.

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Curia de Ripton' Regis die Invencionis S. Crucis anno domini J. Abbatis secundo.

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Ivo Clericus venit in curiam et recognovit se esse unus[2] de plegiis Beatricis relicte Willelmi de Alcmundbyr' ad

[1] Three essoins. [2] *Sic.*

Court of King's Ripton on Monday next before the feast of SS. Tiburtius and Valerian[1] in the second year of Abbot John [A.D. 1288].

* * * * * * *

Hugh Grayling complains of John Dike for that the said John slandered him by calling him thief and was guilty of other enormities against him[2] on the Friday next after the feast of S. Scholastica [10 Feb.] last past against the peace and to the damage of the said Hugh one halfmark.

And John comes and defends etc., and says that he did not slander him nor was guilty of other enormities against him to his damage etc., and he desires that this may be inquired of according to the custom of the manor. And Hugh does the like.

The jurors say that John slandered the said Hugh in such wise as Hugh alleges against him to his damage etc. Therefore it is considered that the said John be in mercy for his trespass and that the said Hugh do recover his damages etc. The damages are released except 6 d., for which Nicholas Newman and Ivo Walter's son are pledges.

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Beatrix, widow of William of Alconbury, offered herself against Thomas Clerk of Wistow, John Pickard, William of Ivinghoe, Henry of Broughton, William William's son, Roger William's son and Henry son of Simon Reeve in a plea of land, and they are summoned and the summons is testified, and they do not come. Therefore it is considered that they be summoned a third time according to the custom of the manor.

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Court of King's Ripton on the feast of the Invention of Holy Cross[3] in the second year of Abbot John.

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Ivo Clerk came into court and confessed himself to be one of the pledges of Beatrix widow of William of Alcon-

[1] This feast is 14 April.

[2] I have probably mistranslated Hugh Grayling's count. Most likely he means that John Dike slandered him by callin him thief and accused him of other grievous crimes (et alia enormia ei intulit). This correction is due to Mr. M. M. Bigelow.

[3] This feast is 3 May.

solvend ' Willelmo Med' filio Johannis de Rauele octodecim denarios pro quodam brevi quod idem Willelmus impetravit ad opus prefate Beatricis de placito terre versus xiij. homines si prefata Beatrix eidem Willelmo non satisfecerit. Ideo satisfaciat ei citra festum S. Trinitatis, et pro injusta detencione est in misericordia. Plegius utriusque, Johannes filius Simonis.

Willelmus filius Johannis de Rauel' querens optulit se versus Henricum filium Simonis plegium Beatricis que fuit uxor Willelmi de Alcmundebyr' qui quidem Henricus nondum attachiatur, ideo *preceptum quod attachietur*.

[1] * * * * * * *

[2] Curia de Ripton' Regis die Lune proxima post festum S. Dunstani anno domini J. Abbatis secundo.

[3] * * * * * * *

Beatrix que fuit uxor Willelmi de Alkmundbyr' optulit se versus Johannem le Stalkere de placito quod reddat ei medietatem unius acre terre cum pertinenciis in Kinge Ripton' qui quidem Johannes vocavit inde ad warantum Johannem Pycard in curia tenta die Veneris ante dominicam proximam Palmarum anno J. Abbatis secundo. Et idem Johannes Pycard fuit presens in curia et posuit se super rotulos utrum warantizare debeat necne, et datus fuit dies partibus ad vidend' rot' ad proximam curiam, ad quam curiam scil. die Lune proxima ante festum SS. Tiburcii et Valeriani idem Johannes Pycard fecit se essoniari versus Johannem le Stalkere de placito etc. et Johannes le Stalkere optulit se et datus fuit eis dies ad proximam curiam scil. die Lune in festo Invencionis S. Crucis, ad quam curiam Johannes Pycard fecit defaltam et Johannes

[1] A fragmentary entry shows that Beatrix is proceeding with her action for dower. The time has now come for a first distress against some of the tenants.

[2] m. 1.

[3] An essoin.

bury for the payment to William Mede son of John of Raveley of the sum of 18 d. for a certain writ[1] which the said William sued out to the use of the said Beatrix for [the purpose of beginning] a plea of land against thirteen persons, in case the said Beatrix should not herself pay the said sum to the said William. Therefore let him make satisfaction to William on this side of Trinity Sunday and he is in mercy for his unjust detention. Pledge for both [debt and amercement,] John Simon's son.

William son of John of Raveley plaintiff offers himself against Henry Simon's son, who is a pledge for Beatrix widow of William of Alconbury. The same Henry is not yet attached. Therefore it is commanded that he be attached.

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Court of King's Ripton on Monday next after the feast of S. Dunstan[2] in the second year of Abbot John [A.D. 1288].

* * * * * * *

Beatrix who was the wife of William of Alconbury offered herself against John Stalker in a plea that he should render to her a moiety of one acre of land with the appurtenances in King's Ripton; and the said John at the court holden on the Friday next before Palm Sunday in the second year of Abbot John vouched to warranty John Pickard; and John Pickard was then present in court and put himself upon the rolls [of the court] as to whether he were bound to warranty or no; and a day was given the parties to view the rolls at the next court; at which court, to wit, on Monday before the feast of SS. Tiburtius and Valerian the said John Pickard caused himself to be essoined against John Stalker of the plea etc. and the said John Stalker appeared; and a day was given them at the next court, to wit, on Monday the feast of the Invention of Holy Cross; at which court John Pickard made default and John

[1] The writ for her dower which Beatrix is pursuing.
[2] This feast is 19 May.

le Stalkere optulit se et peciit judicium etc. post apparenciam. Et datus fuit dies etc. scil. die Lune proxima post festum S. Dunstani. Ad quam curiam idem Johannes iterum facit defaltam, et Johannes le Stalkere optulit se et petit judicium etc. Et super hoc tota curia petit respectum de judicio reddendo usque ad proximam curiam.

* * * * * * *

[1] [Curia] apud Ripton' Regis die Martis proxima post festum S. Jacobi Apostoli anno J. Abbatis vii°.

De Johanne le Stalkere quia non venit ad arruram
[vj. d.] domini vj. d. plegius Hugo Palmerus.

[vj. d.] De Hugone in Angulo pro eodem vj. d. plegius Nicholaus le Neweman.

[vj. d.] De Radulfo le Sweyn pro eodem vj. d. plegius Johannes le Stalkere.

[2] * * * * * * *

Johannes filius Willelmi attachiatur per plegium Johannis Dyke et Nicholai in Angulo quia non venit ad arruram domini. Qui quidem Johannes venit in curiam et dicit se nullam bestiam propriam habere unde possit arrare
memorandum nisi ex mutuo unde dicit et allegat quod quamdiu bestias mutuaverit ad arrandum non debet domino respondere de aliqua arrura et inde ponit se in registro Ramesiensi. Et ideo querendum est registrum citra proximam curiam.

Convictum est per subscriptos jur' videlicet per Hugonem in Angulo, Warinum Gilebert, Simonem le Eyr, Willelmum le Neweman, Johannem filium Simonis, Hugonem Blos*me*, Johannem le Stalkere, Thomam filium Simonis, Nicholaum Carpun, Johannem Palmerum, Rogerum de Rammes' et Nicholaum in Angulo quod Johannes de Grauel' non insultavit Cristianam Arnold nec eam

[1] m. 4. [2] A few formal entries relating to actions of trespass.

Stalker appeared and demanded judgment etc. [as on a default made] after appearance; and a day was given them on Monday next after the feast of S. Dunstan; at which court the said John [Picard] again makes default, and John Stalker has appeared and demands judgment etc. And upon this the whole court demands a respite for giving judgment until the next court day.[1]

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[Court] at King's Ripton on Tuesday next after the feast of S. James[2] in the seventh year of Abbot John [A.D. 1293].

From John Stalker for not coming to the lord's ploughing, 6 d.; pledge, Hugh Palmer.[3]

From Hugh in the Nook for the same, 6 d.; pledge, Nicholas Newman.

From Ralph Sweyn for the same, 6 d.; pledge, John Stalker.

* * * * * * *

John William's son is attached on the security of John Dyke and Nicholas in the Nook for not coming to the lord's ploughing. And the said John comes into court and says that he has no beast of his own wherewith he can plough and has only borrowed beasts, and he says and alleges that so long as he borrows beasts for ploughing he is not bound to do any ploughing for the lord, and as to this he puts himself upon the Ramsey register. Therefore let the register be inspected before the next court.[4]

It is found by the below-named jurors, to wit, Hugh in the Nook, Warin Gilbert, Simon Eyre, William Newman, John Simon's son, Hugh Blosme, John Stalker, Thomas Simon's son, Nicholas Carpun, John Palmer, Roger of Ramsey and Nicholas in the Nook that John of Graveley did not assault Cristiana Arnold or beat her or

[1] This brings out the point that the suitors are the judges.

[2] This feast is 25 July.

[3] Entries of this kind are not very common on these Ripton rolls; still they occur.

[4] Probably the reference is to the extent printed in Cart. Rams. i. 397; if so, John is in the wrong.

verberavit nec cistam suam fregit nec ipsam extra domum suam ejecit sicut ei imposuit. Ideo eadem Cristiana pro
[vj.] d. falso clamore in misericordia vj. d. plegius prepositus.

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Presentatum est quod Hugo Graeleng solvit sursum extra curiam ad opus Thome Aspelon de Broucton' liberi unam portionem cujusdam mesuagii continentem in longitudine sex perticatas et decem pedes et in latitudine unam
Preceptum est acram et iiij. pedes. Ideo preceptum est quod capiatur in manum domini.

Nicholaus de Aula in plena curia reddit sursum in manum domini ad opus Henrici filii Simonis dim. acram terre jacentem in Westcroft inter terram Johannis filii Simonis ex una parte et terram Ricardi de Bernewell' ex altera parte. Et idem Henricus quia traxit originem in
ij. d. Ripton' Regis dat pro eadem ij. d.

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Custodes autumpni Johannes le Stalkere, Simon le Eyr, Thomas filius Simonis, Johannes Palmerus, Nicholaus Arnold, et Nicholaus Carpen'.

Nicholaus de Aula reddit sursum ad opus Thome filii Simonis Prepositi unam rodam terre super Madfurlong inter terram Thome Prepositi et terram Thome Aspelon, qui quidem Thomas natebatur[1] in Ripton' Regis dat pro
j. d. eadem j. d.

[2] * * * * * * *

[3] Curia de Ripton' Regis die Lune proxima ante festum S. Johannis Baptiste anno regni [Regis Edwardi] xxii° et J. Abbatis viii°.

Nicholaus Arnold' reddit in manum domini j. rodam
j. d. terre jacentem apud le . . . . [ad opus] Thome filii Simonis juxta terram ejusdem Thome.

[4] * * * * * * *

Preceptum est bedello quod summoneri faciat Abbatem Ramesiensem quod sit ad proximam curiam ad respon-

[1] *Sic.*

[2] The next court of which there is a record was held in March 1294.

[3] m. 4 d.

[4] Two surrenders similar to the last, each of a rood.

break her coffer or eject her from her house in manner alleged by her. Therefore be she in mercy for her false claim; fine, 6 d.; pledge, the reeve.

* * * * * * *

It is presented that Hugh Grayling did out of court surrender to the use of Thomas Aspelon of Broughton a free man a certain portion of a messuage containing in length six perches and ten feet and in width one acre and four feet. Therefore it is ordered that this be seized into the lord's hand.

Nicholas Hall in full court surrenders into the lord's hand to the use of Henry Simon's son a half acre of land lying in Westcroft between the land of John Simon's son on the one hand and the land of Richard of Barnwell on the other. And because the said Henry is a native of King's Ripton he gives 2 d. for the same.

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[The following are appointed] harvest wardens: John Stalker, Simon Eyre, Thomas Simon's son, John Palmer, Nicholas Arnold and Nicholas Carpen.

Nicholas Hall surrenders to the use of Thomas son of Simon Reeve one rood of land in Madfurlong between the land of Thomas Reeve and the land of Thomas Aspelon; and since the said Thomas was born in King's Ripton he gives 1 d. for the same.

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Court of King's Ripton on Monday next before the feast of S. John Baptist in the twenty-second year of King Edward and the eighth of Abbot John [A.D. 1294].

Nicholas Arnold renders into the lord's hand one rood of land lying in . . . [to the use] of Thomas Simon's son next the land of the said Thomas.

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Ordered that the beadle do cause to be summoned the Abbot of Ramsey that he be at the next court to answer

dendum Johanne filie Willelmi de Alcmundebyri de placito terre, et dicta Johanna habet diem in tres septimanas.

[1] * * * * * * *

[2] Johannes le Stalkere queritur de Henrico de Swyndon' de eo quod ipse in pace . . . die Martis proxima post Pascha hoc anno ubi dictus Johannes cepit unum bovem . . . in prato suo quod vocatur le Pyttil et eum fugavit in parcum domini in eadem . . . dictus Henricus [3] et abduxit bovem sine licencia et preterea verberavit ipsum eodem die . . . eadem villa ad dampnum suum xx. s. et inde producit sectam.

Et predictus Henricus venit et non defendit verba curie prout deceret et . . . inde judicium. Ideo consideratum quod dictus Johannes recuperet dampna . . . ad vj. d. et quod habeat returnum bovis et dictus Henricus pro transgressione in misericordia per plegium . . . et Stephani Robat.

mīā vj. d.

Bartholomeus Sweyn queritur de Thoma Aspelon et Cristina uxore ejus de eo quod ipsi [in pace] domini Abbatis die Veneris proxima post festum Purificacionis B. Virginis hoc anno ipsum implacitaverunt coram Offic' domini Archidiaconi Huntedonie de placito pertinente ad curiam domini Abbatis ad dampnum suum xx. s., et inde producit sectam. Et predicti Thomas et Cristina veniunt et non defendunt verba curie nec respondent ad querelam predictam. Ideo consideratum est quod predictus Bartholomeus recuperet dampna sua que taxantur ad vj. d. et pro transgressione in misericordia, per plegium Nicholai Arnold et Willelmi le Neueman.

mīā vj. d.

Willelmus Umfrey, Johannes de Hale fuerunt plegii Beatricis de Hale regraterisse cervisie quod veniret ad istam curiam ad respondendum de transgressione vend' servic' [4] contra assisam, que non venit, ideo dicti plegii in

[1] An action of debt.
[2] The margin of the roll is damaged.
[3] Supply *venit*.
[4] *Sic*; corr. *cervisie*.

Joan daughter of William of Alconbury touching a plea of land, and let the said Joan have a day three weeks hence.

* * * * * * *

John Stalker complains of Henry of Swindon, for that in the peace [of the lord abbot] on the Tuesday next after Easter in this year, when the said John had caught and was driving away towards the lord's pound an ox [belonging to the said Henry which had trespassed] in his [John's] meadow called the Pightle, the said Henry came and without leave took from him the said ox and also beat him on the said day in the said vill, to his damage 20 s.; and thereof he produces suit.

And the said Henry comes and does not defend the words of court[1] as he ought to do, and [John craves] judgment. Therefore it is considered that the said John do recover his damages [which are taxed] at 6 d. and do have return of the ox, and let the said Henry be in mercy for his trespass; pledges for the amercement . . . and Stephen Robat.

Bartholomew Sweyn complains of Thomas Aspelon and Cristina his wife, for that they [in the peace] of the lord abbot on the Friday next after the feast of the Purification in this year impleaded him before the official of the Archdeacon of Huntingdon of a plea which properly belonged to the abbot's court, to his damage 20 s.; and thereof he produces suit. And the said Thomas and Cristina come and do not deny the words of court and do not answer the said complaint. Therefore it is considered that the said Bartholomew do recover his damages which are taxed at 6 d. and that [Thomas] be in mercy for the trespass; pledges for the amercement, Nicholas Arnold and William Newman.[2]

William Humphrey and John Hale were pledges that Beatrix Hale a regratress of beer would come to this court to answer for a trespass in selling beer contrary to the assize, and she has not come; therefore be the pledges in

[1] As to this phrase, see Glossary, s.v. *verba curie*.

[2] The Abbot in his character of landlord with secular jurisdiction treats the encroachments of the ecclesiastical tribunals as a breach of his peace.

misericordia, et nichilominus predicta Beatrix distringatur ut prius (postea condonatur quia pauper est).

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[1] Curia apud Ripton' Regis die Lune in crastino Translacionis S. Benedicti anno regni Regis Edwardi xxii°. et anno domini J. Abbatis viii°.

. . . fil' Thome Prepositi solvit sursum ad manum domini ad opus Rogeri de Rames' quartam partem unius *virgate* terre et quartam partem unius mesuagii cum pertinenciis in Ripton' et dabit in gersuma xv. d. Et postea *venit* idem Rogerus et solvit sursum ad manum domini ad opus Magistri Willelmi Carpentar' fratris sui medietatem dicte terre cum pertinenciis et non de mesuagio et dat in gersuma vij. d. ob.

Convictum est per vicinos jurat' quod Bartholomeus Sweyn non intravit in curiam Johannis filii Willelmi sicut ei imposuit nec asportavit stramen ad valenciam trium solidorum, ideo dictus Johannes pro falso clamore in miseri-
mīa cordia vj. d. et dictus Bartholomeus eat quietus. Plegius
vj. d. dicti Johannis, Hugo Palmerus.

Convictum est per vicinos jurat' quod una sus et quinque purcelli Johannis filii Willelmi intraverunt in curiam Bartholomei Sweyn et dampnum fecerunt in porett' et in olleribus dicti Bartholomei ad dampnum suum ij. d. Ideo satisfaciat ei de dictis ij. d. et pro transgressione in
{mīa} misericordia (condonatur quia supra,) plegii Thomas Cupere et Nicholaus Arnold.

[2] * * * * * * *

[Johanna filia] Willelmi de Alkemundebirii optulit se versus Dominum Johannem Abbatem de Rames' de placito terre . . . . . semel . . . . . per Willelmum le Neweman et Nicholaum le Neweman. Et preceptum est quod iterum summoneatur.

[3] * * * * * * *

[1] m. 5.

[2] A few other entries similar to the above.

[3] The other entries are for the more part surrenders; the rate of fine is a penny per rood.

mercy and none the less be Beatrix distrained as before. (Afterwards she is forgiven for she is poor.)

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Court at King's Ripton on Monday the morrow of the Translation of S. Benedict[1] in the twenty-second year of King Edward and the eighth of Abbot John [A.D. 1294].

. . . son of Thomas Reeve surrendered into the lord's hand to the use of Roger of Ramsey the fourth part of a virgate of land and the fourth part of a messuage with the appurtenances in Ripton and will give[2] by way of fine 15 d. And afterwards came the said Roger and surrendered into the lord's hand to the use of Master William Carpenter a moiety of the same land with the appurtenances but not of the messuage and gives by way of fine 7½ d.

It is found by the oath of neighbours that Bartholomew Sweyn did not enter the court of John William's son, as was alleged by the said John, nor carry off straw to the value of 3 s. Therefore be the said John in mercy, 6 d., for his false claim and let Bartholomew go quit; John's pledge, Hugh Palmer.

It is found by the oath of neighbours that one sow and five small pigs of John William's son entered the court of Bartholomew Sweyn and did damage among the leeks and cabbages of the said Bartholomew to his damage 2 d. Therefore let [John] make satisfaction for the said 2 d. and be in mercy for his trespass; pledges, Thomas Cooper and Nicholas Arnold. (No amercement here for this is covered by the amercement mentioned above.[3])

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[Joan daughter] of William of Alconbury appeared against the lord John Abbot of Ramsey in a plea of land; [and he has been summoned] once by William Newman and Nicholas Newman. And it is ordered that he be summoned a second time.

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[1] This feast is 11 July, and fell on a Sunday in 1294.
[2] Probably it is the purchaser who pays the fine.
[3] See the last preceding entry.

[Curia apud Ripton'] Regis . . . . Vincula anno supradicto.

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[1][Johanna filia Willelmi de Alkemundebirii] optulit se versus Dominum Johannem Abbatem de Rames' de placito terre . . . . le Neweman et Willelmum Unfrey. Et preceptum est quod somoniatur tercio.

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[2] Curia de Ripton' Regis in vigilia Sancti . . . . viii°.

* * * * * * *

Johanna filia Willelmi de Alkmundebirii optulit se versus Johannem Abbatem de Rames' de placito terre qui ter summonitus . . . . . fil' Roberti de Stiuekle et Johannem Dyke. Et preceptum est quod dominus Abbas distringatur.

prima districcio

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[Curia de Ripton' Regis] . . . . . . Exaltacionis S. Crucis anno supradicto.

* * * * * * *

[Johanna filia Willelmi de Alkmundebirii optulit se versus] Johannem Abbatem de Rames' de placito terre qui semel districtus . . . . secundo.

* * * * * * *

Curia de Ripton' Regis die Lune proxima post festum S. Michaelis anno domini J. Abbatis ix° et anno regni Regis Edwardi xxii°.

[Johanna] filia Willelmi de Alkemunde optulit se versus Johannem Abbatem de Rames' de placito terre qui bis

[1] This part of the roll is sadly damaged; but it seemed desirable to recover all that was legible of the proceedings against the Abbot.
[2] m. 5 d.

[Court at] King's [Ripton on] . . . . . . [the feast of S. Peter at] Chains[1] in the said year [A.D. 1294].

*   *   *   *   *   *   *

[Joan daughter of William of Alconbury] appeared against the lord John Abbot of Ramsey in a plea of land; [and he has been summoned the second time by] . . . Newman and William Humphrey. And it is ordered that he be summoned a third time.

*   *   *   *   *   *   *

Court of King's Ripton on the Vigil of S. [Bartholomew in the] eighth [year of Abbot John, A.D. 1294].

*   *   *   *   *   *   *

Joan daughter of William of Alconbury appeared against John Abbot of Ramsey in a plea of land; and he has been thrice summoned, [the third time by] . . . son of Robert of Stukeley and John Dyke. And it is ordered that the lord abbot be distrained.

*   *   *   *   *   *   *

[Court of King's Ripton on the vigil] of the Exaltation of Holy Cross in the said year.

*   *   *   *   *   *   *

[Joan daughter of William of Alconbury appeared against] John Abbot of Ramsey in a plea of land; and he has been distrained once [and does not come. Therefore it is ordered that he be distrained] a second time.

*   *   *   *   *   *   *

Court of King's Ripton on Monday next after the feast of S. Michael in the ninth year of the lord John Abbot and the twenty-second of King Edward [A.D. 1294].

[Joan] daughter of William of Alconbury appeared against John Abbot of Ramsey in a plea of land; and he

[1] This feast is 1 August. This court was probably holden on Monday 2 August; the next on Monday 23 August; the next on Monday 13 September; the next on Monday 4 October.

districtus est. [Et preceptum est] quod dictus dominus Abbas distringatur tercio.

[Henricus] de Swyndone queritur de Johanne le Salkere super eo quod dictus Johannes venit die Sabbati proxima ante . . . Marie ultimo preterito ad Margariam uxorem Nicholai de Aula ubi ipsum Henricum *defamavit* . . . latronem, seductorem et interfectorem hominum et alia enormia et dixit [quod ipse] Henricus [interfecit] Nicholaum filium suum qui adhuc vivit, et inde non fuit contenptus [1] set die dominica sequenti . . . litteram ad Dominum Rogerum de Ascherigge clericum Domini Regis et rectorem ecclesie de . . . Regis per quam ipsum Henricum violenter defamavit per verba predicta et alia enormia in predicta [littera scri]pta et eciam quod non fuit dignus manere in villa de Ripton' Regis nec in aliis villis, quia homicida est [et interfecit] Nicholaum filium suum qui adhuc vivit, qua de causa dictus Dominus Rogerus subtraxit tres [ann]os de termino suo de ecclesia de Ripton' Regis quam habet ad firmam de dicto Domino Rogero ad detrimentum suum triginta solidorum et ad grave dampnum suum viginti solidorum, et quod hoc sit verum duxit sectam.

Et Johannes le Stalkere presens fuit et *n*oluit [2] defendere verba curie set dixit quod non tenetur respondere racione quod non summonitus nec attachiatus fuit [3] ubi habuit unam vaccam in parco domini nomine districtionis et ballivus testificavit quod *monitus* fuit die dominica precedenti qualiter dictus Henricus questus fuit super ipsum et pro quo voluit distringere ipsum. Et dictus Henricus petit judicium de dicto Johanne tamquam indefensum. Et dictus Johannes ponit se in tota curia utrum debet respondere nec ne, que peciit respectum usque ad proximam

[1] *Sic.*

[2] Possibly *voluit*; but *noluit* gives the better sense; see Glossary, s.v. *verba curie*.

[3] There is no stop; but I think that John's plea ends here, and that what follows is an objective statement of fact. The first step in an action is extra-judicial: it consists in summoning or attaching the defendant; of course there is no writ.

has been distrained twice. [It is ordered] that the said lord abbot be distrained a third time.

[Henry] of Swindon complains of John Stalker for that he on the Saturday next before the . . . of S. Mary last past came to Margery wife of Nicholas Hall and there defamed the said Henry [by saying that he was a] thief, a seducer,[1] and a manslayer and other enormous things, and said that he, Henry, [slew] his [John's ?] son Nicholas, who really is still living, and not content with this on the Sunday following [sent] a letter to Sir Roger of Ashridge clerk of our lord the king[2] and rector of the church of King's [Ripton] in which he violently defamed the said Henry by the said words and other enormous things written in the said letter adding that he was not fit to dwell in the vill of King's Ripton nor in any other vill because he is a manslayer [and slew] his [John's ?] son Nicholas, who in fact is alive, for which cause the said Sir Roger cut off three [years] from the term which he [Henry] has in the church of King's Ripton by lease from the said Roger,[3] to his detriment 30 s. and to his grave damage 20 s.; and that this is true he produces suit.

And John Stalker was present and would not defend the words of court but said that he is not bound to answer because he is not summoned nor attached. In truth however the said John has had a cow of his taken by way of distress and put into the lord's pound and the bailiff has testified that he [John] was warned on the preceding Sunday of how Henry had complained against him and of the cause why he was to be distrained. And the said Henry craves judgment against John as against one who is undefended. And John puts himself on the whole court as to whether he need answer or no. And the court craves a respite until the next court day. This is granted on the

[1] Not necessarily a seducer of women; perhaps a traitor. It will be remembered that 'other enormous things' became a common form in pleading.

[2] The advowson was the king's; Cart. Rams. i. 398.

[3] Perhaps Henry was a vicar to whom the church was leased. It will be noticed that his plea with its allegation of special damage raises a question much debated in these later days; see *Vicars* v. *Wilcox* in Smith's Leading Cases.

curiam, cui concessum est ita quod dictus Johannes veniat sine essonio, et esse in eodem statu sicut hodie sub pena dim. mar., sicut tota curia ipsum manucepit, et si veredictum sit quod dictus Johannes debuit respondere dictus Johannes remaneat indefensus et super judicium.

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Curia de Ripton' Regis die Lune proxima ante festum SS. Apostolorum Simonis et Jude anno regni Regis Edwardi xxii° et anno domini J. Abbatis ix°.

Johannes Abbas Rames' essoniat se de placito terre per Nicholaum filium Johannis versus Johannam filiam Willelmi de Alkemundebirii j°. affidavit. Et dicta Johanna querens optulit se versus dictum Johannem Abbatem et habent diem ad proximam curiam in tres septimanas.

[In amore] prece parcium Henricus de Swyndone querens et Johannes le Stalkere defendens et econverso habent diem concordandi usque ad proximam curiam.

* * * * * * *

[1] **[Curia apud] Ripton' Regis die Lune proxima ante festum S. Edwardi Archiepiscopi anno regni Regis Edwardi xxii° et anno domini J. Abbatis ix°.**

Abbas Rames' essoniat se versus Johannam filiam Willelmi de Alkemunde de placito terre per Alanum filium Willelmi ij°. Et dicta Johanna optulit se et habent diem usque ad proximam curiam in tres septimanas.

[2] * * * * * * *

[1] m. 6.
[2] Henry of Swindon and John Stalker essoin themselves.

terms that John is then to come without essoin and to be in the same position as that which he is in to-day on pain of 6 s. 8 d. and the whole court undertakes this for him; and if the verdict[1] be that the said John ought to answer then he is to remain undefended and under judgment.

* * * * * * *

Court of King's Ripton on Monday next before the feast of SS. Simon and Jude[2] in the twenty-second year of King Edward and the ninth of Abbot John [A.D. 1294].

John Abbot of Ramsey essoins himself a first time in a plea of land against Joan daughter of William of Alconbury by Nicholas John's son. Faith is pledged. And the said Joan the plaintiff appears against the said Abbot John and a day is given them at the next court three weeks hence.

At the prayer of the parties Henry Swindon plaintiff and John Stalker defendant and John Stalker plaintiff and Henry of Swindon defendant have a day of love given them until the next court for a compromise.

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[Court at] King's Ripton on Monday next before the feast of S. Edmund Archbishop[3] in the twenty-second year of King Edward and the ninth of Abbot John.

The Abbot of Ramsey essoins himself a second time in a plea of land against Joan daughter of William of Alconbury by Alan William's son. And the said Joan appears and a day is given them at the next court three weeks hence.

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[1] The uncertain relation between the steward and the body of suitors constituting the court is well illustrated by this case. The 'court' has a question of customary law to decide, and one which puzzles it; nevertheless its answer to the question, though not given on oath, is spoken of as a verdict. For more of this case, see below, p. 118.

[2] The court is held on 25 Oct.

[3] The court is held on 15 Nov.

. . . Nich' apud Ripton' Regis anno domini J. Abbatis ix° et anno regni Regis Edwardi xxiii°.

[Johannes] Abbas Rames' essoniat se versus Johannam filiam Willelmi de Alkemundebirii de placito [terre] per Willelmum Pykerel iij°. Et dicta Johanna querens optulit se versus dictum Abbatem. Et [dies datus est] usque proximam curiam in mensem.

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vj. d. De Johanne le Stalkere defendente pro licencia concordandi cum Henrico de Swyndon' querente vj. d., plegius Thomas filius Simonis.

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falsa inquisicio; iij. d. Bartholomeus Sweyn queritur de Nicholao filio Hugonis in Angulo super eo quod dictus[1] tenetur ei in v. d. [solven]d' in quindecim dies ante Purificacionem B. Marie de j. bovetto sibi vendito. Et dictus Nicholaus . . .[2] def' verba curie dicens quod sibi videtur quod respondere non tenetur racione quod non duxit *sectam nec* certum diem solucionis nominavit. Et pars adversa quod sic. Et partes pecierunt quod *inquiratur* [per] villat' que dixit quod sufficient' duxit sectam. Postea testificatum fuit per totam [villatam[3]] quod dictus Nicholaus tenebatur dicto Bartholomeo in predictis v. d. Ideo dictus Nicholaus pro injusta detencione in misericordia iij. d. plegius Thomas le Cupere.

[4] Curia de Ripton' Regis die Lune proxima post Circumcisionem Domini anno regni Regis Edwardi xxiii° et domini J. Abbatis ix°.

Henricus de Swyndon' queritur de Willelmo filio Rogeri le Neweman super eo quod dictus Willelmus die Veneris

[1] Supply *Nicholaus*.
[2] Illegible: probably we should supply *venit et*; Nicholas made the formal defence before he took exception.
[3] Hardly a trace of the word remains.
[4] m. 6 d.

[Court held] at King's Ripton [on Monday the day of] S. Nicholas [1] in the ninth year of Abbot John and the twenty-third of King Edward [A.D. 1294].

[John] Abbot of Ramsey essoins himself a third time against Joan daughter of William of Alconbury in a plea of land by William Pickerel. And the said Joan the plaintiff appeared against the said Abbot. And [a day is given them] at the next court one month [2] hence.

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From John Stalker defendant for leave to compromise with Henry of Swindon plaintiff 6 d.; pledge, Thomas Simon's son.[3]

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Bartholemew Sweyn complains against Nicholas son of Hugh in the Nook for that the said Nicholas is bound to pay him 5 d. fifteen days before the feast of the Purification for a bullock sold to him. And the said Nicholas [comes and] defends the words of court saying that it seems to him that he is not bound to answer because Bartholomew has not produced suit nor named any certain day as the day for payment. [And Bartholomew said the contrary.[4]] And the parties have prayed that this be inquired by the township. And the township said that he has produced sufficient suit. Afterwards it was testified by the whole [township *or* by the whole court] that the said Nicholas was bound to the said Bartholomew in the said 5 d.[5] Therefore the said Nicholas is in mercy for the unjust detention; fine, 3 d.; pledge, Thomas Cooper.

Court of King's Ripton on Monday next after the feast of the Circumcision in the twenty-third year of King Edward and the ninth of Abbot John [A.D. 1295].

Henry of Swindon complains of William son of Roger Newman for that on the Friday next before the Beheading

[1] 6 Dec.; this was the proper day for the court.

[2] A month instead of three weeks, because of the Christmas holiday.

[3] This seems the end of the slander case reported above, p. 117.

[4] Literally, *And the other side said that he did [produce suit etc.]*

[5] The verdict is stigmatised in the margin as false; but I do not know why.

proxima ante festum Decollacionis S. Johannis Baptiste anno regni Regis Edwardi xxij° in campis de Ript' in quadam quarentena que vocata est Longelond' ubi[1] asportavit iiij. garbas frumenti dicti Henrici precii iiij. d., et nichilominus predictus Willelmus in dictum Henricum insultum fecit et ipsum percussit cum quadam virga super capud et similiter cum quadam furca ferea et cultello et alia enormia ei intulit ad grave dampnum ipsius Henrici xx. sol. et contra pacem etc.

Et predictus Willelmus venit et defendit vim et injuriam quando etc. et bene defendit quod predicto die et anno nullum ei fecit insultum cum cultello nec cum furca sicut ei imponit et petit quod inquiratur per patriam.

Et predictus Henricus petit judicium de predicto Willelmo tamquam indefenso in hoc quod inculpavit predictum Willelmum quod percussit eum cum quadam virga super capud nec illud nominatim defendit petit judicium etc.

Et predictus Willelmus dicit quod satis defendit prout ei visum est in hoc quod defendit quicquit[2] fuit contra pacem et dampna sua xx. s. et insultum cum furca et cultello et petit judicium etc. Et datus est eis dies de audiendo judicio suo ad proximam curiam.

Johanna filia Willelmi de Alkemundebirii petit versus Abbatem de Rames' octo acras terre cum pertinenciis in Riptone ut jus suum per breve secundum consuetudinem manerii, etc.

Et predictus Abbas per Thomam le Clerck atturnatum suum venit et defendit jus predicte Johanne et petit inde visum etc. Habeat. Et habent diem usque proximam curiam in tres septimanas.[3]

* * * * * * *

[1] Corr. *vi* ?

[2] *Sic.*

[3] Sewn to the margin is a fragment of a royal writ. Apparently it was a writ directing the reception of Thomas Clerk as the Abbot's attorney.

of S. John Baptist [i.e. before the 28th Aug.] in the 22nd year of King Edward in the fields of Ripton in a certain furlong called Longland the said William by force carried away four garbs of wheat of the said Henry, price 4 d., and none the less made an assault on the said Henry and struck him on the head with a stick and likewise with an iron fork and a knife, and other enormous things to him did, to the heavy damage of the said Henry to the amount of 20 s. and against the peace etc.

And the said William comes and defends[1] tort and force [and will defend it] when [and where it shall behove him] and fully defends that on the said day and year he made an assault on him with a knife or a fork as he alleges; and he craves that this be inquired by the country.

And the said Henry craves judgment against the said William as against one who is undefended, for that he [Henry] charged him with striking him on the head with a stick, and as he [William] has not expressly denied this particular he [Henry] craves judgment.

And the said William says that as it seems to him he has made sufficient defence for that he has defended all that was against the peace and [Henry's] damage of 20 s. and the assault with fork and knife; and he craves judgment etc. And a day is given them to hear their judgment at the next court.[2]

Joan daughter of William of Alconbury demands against the Abbot of Ramsey eight acres of land with the appurtenances in Ripton as her right by a writ according to the custom of the said manor etc.

And the said Abbot by Thomas Clerk his attorney comes and defends the right of the said Joan and craves a view [of the land]. Let him have it. A day is given them at the next court three weeks hence.

* * * * * * *

[1] It will be remembered that in pleading *to defend* meant *to deny*.
[2] See below, p. 120.

[1] Curia apud Ripton' Regis die Lune proxima ante Conversionem S. Pauli anno regni Regis [Edwardi] xxiii°.

Thomas Clericus aturnatus Abbatis de Rames' versus Johannam filiam Willelmi de Alkemundebirii de placito terre per Thomam le Cupere (post visum). Et dicta Johanna habet diem *usque* proximam curiam in tres septimanas.

* * * * * * *

De Willelmo le Neweman convicto quia percussit Henricum de Swyndone cum quodam . . . . pe[2] super capud vj. d. Plegius Nicholaus le Neweman. Et dampna iij. d.

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[3] [Curia apud Ripton' Regis] . . . . . . anno regni Regis Edwardi xxiii° et anno domini [J. Abbatis ix°].

[4] [Johanna filia Willelmi de Alkemun]debirii optulit se versus Abbatem de Rames' de placito . . . . . . presens per Thomam Clericum aturnatum suum. Et dicta [Johanna petit octo acras] terre versus dominum Abbatem ut jus suum eo quod dicta Johanna . . . . . . manus Domini W. Abbatis in cimiterio de Rypton' Regis coram . . . . . . octo acras terre cum pertinenciis ad opus Willelmi patris sui . . . ipsamet fuit infra etatem, ita quod illud reddere nichil valuit [et petit] quod inquiratur.

[Et Dominus] Abbas per aturnatum suum dicit quod predicta Johanna fuit plene etatis [quando] dictam terram reddidit sursum secundum consuetudinem manerii dicto Willelmo, et dictus Willelmus fuit in bona et pacifica seysina per septem annos [et amplius] et postea dictam terram reddidit sursum ad opus Willelmi Capellani . . . . qui obiit sine herede, et ita dictus Abbas tenens est ut esca . . . . . . petit quod inquiratur.

[1] m. 7.

[2] Only the last two letters of the word can be read. The entry is copied because it seems to show that William's 'defence' was insufficient.

[3] m. 7 d.

[4] This part of the roll is in bad condition; but enough of its contents can be recovered to show the nature of the action against the Abbot, the progress of which we have been observing.

Court of King's Ripton on Monday next before the Conversion of S. Paul[1] in the twenty-third year of King Edward [A.D. 1295].

Thomas Clerk attorney of the Abbot of Ramsey essoins himself after view in a plea of land against Joan daughter of William of Alconbury by Thomas Cooper. And the said Joan has a day at the next court three weeks hence.

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From William Newman convicted of striking Henry of Swindon on the head with a . . . . 6 d.; pledge, Nicholas Newman; damages, 3 d.

* * * * * * *

[Court at King's Ripton] . . . . . . in the twenty-third year of King Edward and the [ninth of Abbot John].

[Joan daughter of William of Alconbury] appeared against the Abbot of Ramsey in a plea [of land. And the said Abbot is] present by Thomas Clerk his attorney. And the said [Joan demands eight acres of land] against the lord Abbot as her right, for that [when] in the churchyard of King's Ripton before [the whole parish ?] the said Joan [rendered into the] hands of Abbot W[illiam the said] eight acres of land with the appurtenances to the use of William her father, she was then under age, so that the said render was of no effect; and she prays that this be inquired.

[And the said lord] Abbot by his attorney says that the said Joan was of full age [when] she surrendered the said land to the said William according to the custom of the manor, and the said William was in good and peaceful seisin for seven years [and more] and afterwards surrendered the said land to the use of William Chaplain . . . . . . who died without an heir, so that the said Abbot holds the said land as an escheat . . . . . . and he prays that this be inquired.

[1] This feast is 25 Jan.

Unde fuit inquisicio qui [dicunt super sacramentum] suum quod dicta Johanna fuit plene etatis secundum usum [manerii] quando terram predictam reddidit sursum, et est etas mulieris xiij. anni et *dim'* et etas virilis xiiij. anni et dim' et quod dicta Johanna nullum jus habet in dicta terra set est propria exscaeta domini Abbatis. Ideo consideratum est quod nichil capiat per breve suum set sit in misericordia pro falsa querela. Condonatur quia pauper.

mīa condonatur quia pauper

* * * * * * *

Memorandum quod concessum est Rogero de Kenlowe habend' introitum ad Caterinam filiam Thome Prepositi cum uno quarterio terre in villa de Ryptone Regis pro duobus solidis in gersuma, ita tamen quod mortua dicta Katerina ille qui propinquior est heres de sanguine predicte Katerine gesumabit dictum quarterium terre secundum consuetudinem manerii et ville.

[1] * * * * * * *

Curia die Veneris proxima ante festum S. Thome Apostoli anno regni Regis Edwardi xxiiii° scilicet die visus.

* * * * * * *

Capiatur in manum domini unam domu' [1] cum curtillagio jac' inter Bartholomeum Mayn et Nicholaum Arnold quam Magister Ricardus Carpun et uxor ejus vendiderunt sine licencia curie Henrico filio Johannis de *Brou*cton' et respond' de exitibus.

preceptum est

* * * * * * *

Thomas Brigtwold reddidit sursum unam rodam terre jacentem in Garbodeland inter terras Henrici filii Simonis

[1] A court held on Saturday next before 1 August, 1295, is here omitted.
[2] *Sic.*

Thereupon an inquest is made [and the jurors say upon their oath] that the said Joan was of full age according to the usage [of the manor] when she surrendered the said land, and the [full] age of a woman is thirteen years and a half and the [full] age for males is fourteen years and a half, and that the said Joan has no right in the said land but it is the proper escheat of the lord Abbot. Therefore it is considered that she take nothing by her writ, and be in mercy for her false plaint. She is pardoned on the ground of poverty.

* * * * * * *

Be it known that it is granted to Roger of Kenlow to have entry [1] to Catherine daughter of Thomas Reeve with one quarter of land in the vill of King's Ripton for two shillings by way of fine, but so nevertheless that on Catherine's death he who shall be the nearest heir of the blood of the said Catherine shall take up the said quarter of land by paying fine according to the custom of the manor and vill.

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Court on Friday next before the feast of S. Thomas in the twenty-fourth year of King Edward [A.D. 1295], to wit, on the day of the view [of frank-pledge].[2]

* * * * * * *

Let there be seized into the lord's hand a house with the curtilage lying between [those of] Bartholomew Mayn and Nicholas Arnold which Master Richard Carpun and his wife have sold without the licence of the court to Henry son of John of Broughton, and let [the reeve] answer for the issues.

* * * * * * *

Thomas Brightwold surrendered a rood of land lying in Garbodeland between the lands of Henry son of Simon

[1] To marry her and come as her husband to live in her tenement. But care is taken that no one shall get any right in the tenement who is not of the blood of King's Ripton. It seems that even the husband will have no right as tenant by the curtesy. More of this marriage below, p. 126.

[2] The business of the view is recorded on a different set of rolls.

Prepositi et Ivonis filii Hugonis in Angulo ad opus Bartholomei Mayn, et preceptum est quod ponatur in seysina eo quod est de sanguine.

* * * * * * *

[1] Nicholaus de Aula reddit sursum unam dimidiam acram terre ad opus Willelmi ad portam de Broucton' jacentem in Schortland' inter terras Hugonis Graylond' et Rogeri de Rammes'. Et preceptum est preposito respondere de exitibus ejusdem terre quia est extraneus.

[Idem] Nicholaus reddit sursum unam rodam terre ad opus Thom' Aspelon de Brocton' liberi jacentem in Pyt . . . inter terras Roberti Juel et Bartholomei Mayn, et preceptum est quod respond' ut supra.

Nicholaus Arnold reddit sursum duas rodas terre ad opus Hugonis Palmeri quarum una roda jacet in Middelforlong inter terras Simonis le Eyr et Willelmi de Blaysworth' et una roda in Schortlond inter terras Thome filii Simonis et Rogeri de Rammes', et preceptum est quod ponatur in
pre' est seysina quia est de sanguine de Ripton' Regis.

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Capiatur in manum domini quarta pars unius rode prati jacens in Smalemade quam Rogerus Greyling vendidit
pre' est Nicholao le Neuman sine licencia curie et respond' etc. ut supra.

[2] * * * * * * *

[3] Curia apud Ripton' Regis die Lune proxima ante Annunciacionem B. Marie anno regni Regis Edwardi xxiiii° et anno domini J. Abbatis decimo.

Matildis relicta Hugonis Grayling venit et tulit breve de recto per quod peciit dotem suam de sexaginta et quatuor acris terre . . . acris prati versus diversos contentos in

[1] m. 8.

[2] Here follow several entries similar to the three last; the surrenderee is put in seisin if he is 'de sanguine de Ripton' Regis,' but if he is 'extraneus et non de sanguine' the land is seized into the lord's hands.

[3] m. 9 a.

Reeve and Ivo son of Hugh in the Nook to the use of Bartholomew Mayn; and it is ordered that he be put in seisin as he is of the blood [of the vill].

* * * * * * *

Nicholas Hall surrenders to the use of William of Broughtongate a half acre of land lying in Shortland between the lands of Hugh Grayland and Roger of Ramsey. And the reeve is ordered to answer for the issues of the said land since [William] is an outsider.[1]

[The same] Nicholas surrenders a rood of land lying in . . . between the lands of Robert Juel and Bartholomew Mayn, to the use of Thomas Aspelon a free man of Broughton. And [the reeve] is ordered to answer [for the issues] as above.

Nicholas Arnold surrenders two roods of land, whereof one lies in Middleforlong between the lands of Simon Eyre and William of Blaysworth and the other in Shortland between the lands of Thomas Simon's son and Roger of Ramsey, to the use of Hugh Palmer. And it is ordered that he be put in seisin for he is of the blood of King's Ripton.

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Let a fourth part of one rood of meadow lying in Smallmead which Roger Greyling sold to Nicholas Newman without the leave of the court be seized into the lord's hand and let the issues thereof be answered for as above.

* * * * * * *

Court at King's Ripton on Monday next before Lady Day in the twenty-fourth year of King Edward and the tenth of Abbot John [A.D. 1296].

Maud widow of Hugh Grayling came and brought a writ of right whereby she demanded her dower of 64 acres of land and of . . . acres of meadow and of . . . messuages

[1] The word *outsider* seems a better translation of *extraneus* than *stranger* or *foreigner*. William is not of the blood of the king's sokemen; the tenement is seized into the lord's hand and the reeve must answer for the profits; probably William will get the tenement, but he will have to pay a fine, the amount of which is not fixed by the custom.

[brevi] et de . . . mesuagiis. Et preceptum est quod omnes *summoneàntur* contra proximam curiam que erit in *tres* septimanas.[1]

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[2] Curia de Ripton' Regis die Lune proxima ante festum Apostolorum Philippi et Jacobi anno regni Regis Edwardi xxv°.

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Bartholomeus filius Radulfi de Ripton' Regis petit versus Willelmum filium Willelmi de Ripton' Regis et Rogerum fratrem ejus duas acras terre cum pertinenciis in Ripton' Regis et versus Henricum filium Simonis le Provost unam acram terre cum pertinenciis in eadem villa ut jus suum per breve de recto clausum secundum consuetudinem manerii etc., et unde dicit quod quidam Swaynus filius Hervei antecessor predicti Bartholomei cujus heres ipse est fuit seisitus de predictis tenementis in dominico suo ut de feodo et jure tempore pacis tempore domini Henrici Regis patris domini Regis nunc capiendo inde explet' ad valenciam etc., et de ipso Swayno descendit jus etc. cuidam Roberto ut filio et heredi, et de ipso Roberto descendit jus etc. cuidam Agneti ut filie et heredi, et de ipsa Agnete isti Bartholomeo qui nunc petit ut filio et heredi, et quod tale sit jus suum offert etc. secundum consuetudinem manerii etc.

Et Willelmus filius Willelmi et Rogerus frater ejus et Henricus filius Simonis veniunt et defendunt vim et injuriam et jus predicti Bartholomei quando etc. Et predicti Willelmus et Rogerus precise defendunt jus predicti Bartholomei et bene cognoscunt seisinam predicti Swayni de cujus seisina etc., et ponunt se in juratam patrie loco magne assise domini Regis secundum consuetudinem manerii utrum ipsi jus habeant in predictis tene-

[1] The writ, to which there are a large number of tenants, is bound up in the roll (m. 9). For want of space no extracts are given from the proceedings of the next twelve courts; the omitted entries relate chiefly to the action for dower here begun by Maud Grayling, who recovers by default against many of the tenants; but there are also numerous surrenders of separate roods of land, generally at a fine of a penny per rood.

[2] m. 12.

against divers persons named in the writ. And it is ordered that all of them be summoned for the next court, which will be holden three weeks hence.

* * * * * * *

Court of King's Ripton on Monday next before the feast of SS. Philip and James in the twenty-fifth year of King Edward [A.D. 1297].

* * * * * * *

Bartholomew Ralph's son of King's Ripton demands against William William's son of King's Ripton and Roger his brother two acres of land with the appurtenances in King's Ripton and against Henry son of Simon Reeve one acre of land with the appurtenances in the same vill as his right by a writ of right close according to the custom of the manor etc.; and he says that one Sweyn Harvey's son ancestor of the said Bartholomew, whose heir he is, was seised of the said tenements in his demesne as of fee and of right in time of peace in the time of King Henry father of the king that now is by taking thence esplees to the value etc.; and from the said Sweyn the right descended etc. to one Robert as his son and heir, and from the said Robert the right descended etc. to one Agnes as his daughter and heir, and from the said Agnes to the said Bartholomew the now demandant as her son and heir; and that such is his right he offers etc. according to the custom of the manor etc.

And William William's son and Roger his brother and Henry Simon's son come and defend tort and force and the right of the said Bartholomew [and will defend] when [and where it shall behove them.] And the said William and Roger expressly deny the right of the said Bartholomew, but they confess the seisin of the said Sweyn on whose seisin [Bartholomew grounds his demand,] and they put themselves on a jury of the country, in lieu of the grand assize of our lord the king, according to the custom of the

mentis per feofamentum quod Willelmus de Alkemondbyr' secundum consuetudinem manerii inde fecit predictis Willelmo et Rogero quem quidem Willelmum de Alkemondbyr' Johanna[1] filia ejusdem Willelmi secundum consuetudinem etc. feofavit et quam quidem Johannam Simon Russel inde feofavit, quem quidem Simonem Willelmus de Sumerford' et Juliana uxor ejus feofaverunt secundum consuetudinem, quos quidem Simonem et Julianam quidam Willelmus de Ebor'[2] inde feofavit etc., quem quidem Willelmum Johannes Froyl inde feofavit etc., et quem quidem Johannem Robertus filius predicti Swayni de cujus seisina etc. et per med'[3] cujus etc. predictus Bartholomeus narravit sicut tenent, an predictus Bartholomeus sicut petit etc.

Jur' (Simon le Eyr et socii sui) dicunt super sacramentum suum quod predicti Willelmus et Rogerus majus jus habent in predictis duabus acris terre sicut tenent quam predictus Bartholomeus sicut petit. Ideo consideratum est quod predicti Willelmus et Rogerus inde sine die, et predictas duas acras terre cum pertinenciis teneant secundum consuetudinem manerii sibi et heredibus suis quiete de predicto Bartholomeo et heredibus suis imperpetuum et Bartholomeus et plegii sui de prosequendo in misericordia.

[4] Et predictus Henricus similiter ponit se in predictam juratam de tenementis versus eum petitis utrum majus jus habeat in predictis tenementis per formam predictam et feofamentum predictarum personarum sicut tenet an predictus Bartholomeus sicut petit. Ideo consideratum est quod predictus Henricus inde sine die et predictam acram terre teneat in pace quiete sibi et heredibus suis

[1] Joan's conveyance to her father has already come before us; see above, p. 120. I take it that all these so-called 'feoffments' were really surrenders to the use of a purchaser; but among the sokemen the land was so freely alienable that there was no harm in using such a word as *feoffare*.

[2] Probably the famous judge and bishop of Salisbury; he at one time farmed the neighbouring church of Broughton.

[3] *per medium*; the demandant counted through Robert.

[4] m. 12 d.

manor, as to whether they have right in the said tenements by the feoffment which William of Alconbury according to the custom of the manor made to the said William and Roger [the now tenants,] which William of Alconbury was enfeoffed thereof according to the custom [of the manor] by Joan his daughter, and which Joan was enfeoffed thereof by Simon Russell, and which Simon was enfeoffed according to the custom of the manor by William of Somerford and Joan his wife, who were enfeoffed thereof etc. by William of York, who was enfeoffed thereof etc. by John Froyl, who was enfeoffed thereof by Robert son of the said Sweyn on whose seisin [Bartholomew grounds his claim] and through whom he has counted, as they hold [the said tenements], or the said Bartholomew as he demands them etc.[1]

The jurors (Simon Eyre and his fellows) say upon their oath that the said William and Roger have greater right in the said two acres of land as they hold them than the said Bartholomew as he demands them. Therefore it is considered that the said William and Roger do go thence without day and do hold the said two acres of land with the appurtenances according to the custom of the manor to them and their heirs quit of the said Bartholomew and his heirs for ever and that Bartholomew and his pledges for prosecution be in mercy.

And the said Henry likewise puts himself on the aforesaid jury for the tenements which Bartholomew has demanded against him, as to whether he hath greater right in the said tenements in manner aforesaid and by the feoffments of the aforesaid persons as he holds, or the said Bartholomew as he demands.[2] Therefore it is considered that the said Henry do go thence without day and do hold the said acre of land to himself and his heirs according to

[1] This 'mise' or issue for the jurors contains a long parenthesis. The question is whether the tenants have greater right to hold as they are holding, or the demandant to demand as he demands. But into the middle of this question the tenants introduce a statement of their title, which gives us curious evidence of the rapidity with which land changed hands.

[2] Doubtless the jury finds for Henry in the same way as for his co-tenants.

secundum consuetudinem [manerii] de predicto Bartholomeo
mīā et heredibus suis imperpetuum, et Bartholomeus in misericordia etc.

* * * * * * *

Johannes Pege dat domino vj d. pro habenda consider-
vj. d. acione curie de una grangia cum quadam placia ad . . . in quibus Cristina Uumfrey soror ejus nuper obiit etc. Johannes Stalker' et socii sui xij. jur' dicunt quod Willelmus Umfrey quondam adquisivit dictas placiam et grangiam et eas legavit in morte sua dicte Cristine ad terminum vite sue et post decessum dicte Cristine quod reverterentur dicto Johanni filio suo. Ideo consideratum est quod habeat inde seisinam etc.

[1] * * * * * * *

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[2] [Mortuo] Willelmo filio Bartholomei le Carpenter de Kinges Ripton' Capellano qui tenuit de domino in eadem villa per descensum hereditatis secundum consuetudinem manerii iij. acras terre existentes in manibus Abbatis in quibus terris dictus Willelmus obiit seysitus in dominico suo ut de jure et feodo, venit Willelmus filius Thome Unfrey et petit dictam terram sibi concedi desicut ipse pre omnibus aliis propinquior est de sanguine ad terram illam habendam per decessum ejusdem Capellani et de nacione ejusdem ville de Kinges Ripton' ut dicit et hoc petit quod inquiratur. Et xij. jurati scilicet Johannes le Stalkere, Simon le Eyr, Thomas filius Simonis, Henricus Graeleng, Johannes filius Simonis, Johannes Palmerus, Stephanus Robert, Willelmus Neweman, Bartholomeus filius Radulfi, Johannes filius Willelmi, Nicholaus Arnold, et Johannes Brihtwold veniunt et dicunt [*per*] sacramentum suum quod nesciunt aliquem qui tantum jus habet ad dictam terram habendam secundum consuetudinem manerii

[1] The proceedings of several courts held in A. R. 25, 26 and 27 are here omitted.

[2] This entry occurs at the top of a membrane (m. 15) which has no heading, but it seems to belong to A. R. 29.

the custom of the manor in peace quit of the said Bartholomew and his heirs for ever, and that Bartholomew be in mercy etc.

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John Pege gives the lord 6 d. to have the judgment of the court as to a grange and a 'place' [courtyard] at . . . in which Cristina Humphrey his sister lately died etc. John Stalker and his fellows twelve jurors say that William Humphrey in time past acquired the said place and grange and on his death bequeathed [1] them to the said Cristina for the term of her life and after the death of the said Cristina to revert to the said John his son. Therefore it is considered that he have seisin thereof etc.

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[A.D. 1301]. Upon the death of William son of Bartholomew Carpenter chaplain of King's Ripton who by hereditary descent held of the lord in the same vill according to the custom of the manor 3 acres of land (which acres are now in the Abbot's hands and in which lands the said William died seised in his demesne as of right and of fee), comes William son of Thomas Humphrey and demands that the said land be granted to him as he is before all others the nearest of blood [2] to have that land by the decease of the said chaplain [William [3]], and he is of the 'nation' [4] of the said vill of King's Ripton (so he says) and he prays that this be inquired. And twelve jurors, to wit, John Stalker, Simon Eyre, Thomas Simon's son, Henry Grayling, John Simon's son, John Palmer, Stephen Robert, William Newman, Bartholomew Ralph's son, John William's son, Nicholas Arnold and John Brightwold come and say upon their oath that they know not anyone who has so great right to have that land according to the custom of the manor, nor

[1] *Bequeathed* is, I think, a better translation for *legavit* than *devised* would be.

[2] Possibly 'of *the* blood,' i.e. the blood of Ripton.

[3] The chaplain must be the person who has just died: see the next entry.

[4] To say that he was born at Ripton might give the meaning of the Latin phrase, but would hardly convey its full force. These sokemen are a privileged race.

nec aliquem [in] *mundo* ita propinquum de sanguine dicti Capellani sicut prefatus Willelmus Unfrey nunc petens. Et ideo consideratum est etc.

[Curia de] Kingesripton' tenta die Jovis proxima post Translacionem S. Benedicti anno regni Regis Edwardi xxix° et domini J. Abbatis . . . .

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Rogerus de Kellawe extraneus qui se maritavit cuidam Katerine filie Thome prepositi de Kinges Ripton' que est de condicione et nacione ejusdem venit et petit in curia nomine Roberti et Nicholai filiorum suorum ex legitimo matrimonio exeuncium de corpore prefate Katerine illas vj. acras terre jacentes in campis de Kinges Ripton' quas quidem terras Willelmus filius Bartholomei le Carpenter capellanus modo mortuus perquisivit et eas de domino tenuit secundum consuetudinem manerii et postmodum easdem terras contulit et concessit predictis Roberto et Nicholao filiis dictorum Rogeri et Katerine legitime procreatis per convencionem inter partes confectam die Lune in media quadragesima anno r. r. E. xxviij°, et in affirmacione hujus donacionis et concessionis dictus Capellanus qui detentus fuit gravi infirmitate quod nullo modo potuit ad curiam domini accedere, reddidit sursum totam terram predictam ad opus dictorum puerorum in manibus Thome le Cupere tunc custodis manerii de Kinges Ripton' prout consuetudo est in eadem villa donec aliquis venerit ibidem ad proximam curiam domini tenendam, ita videlicet quod idem Rogerus et Katerina sumptibus eorum colerent dictam terram toto tempore prefati Capellani et *semine* ejusdem Capellani seminarent et vesturam inde exeuntem eidem traderent, et quod eidem Capellano singulis annis dum vixerit providerent ei de una bona roba panni colorati vel boni russetti, et si idem Capellanus post confectionem supradicte convencionis per spacium trium annorum seu quatuor annorum vel amplius vixerit iidem Rogerus et Katerina solverent ei ultra

anyone in the world who is so near of blood to the said chaplain as the said William Humphrey the now demandant, and therefore it is considered, etc.

[Court of] King's Ripton holden on Thursday next after the Translation of S. Benedict [1] in the twenty-ninth year of King Edward and the [fifteenth] of Abbot John [A.D. 1301].

* * * * * * *

Roger of Kellow an outsider who married [2] Catherine daughter of Thomas Reeve of King's Ripton, who is of the estate and 'nation' of the said vill, comes and demands in court in the name of Robert and Nicholas his sons issuing from the body of the said Catherine by a lawful marriage, the 6 acres of land lying in the fields of King's Ripton which William the chaplain son of Bartholomew Carpenter lately dead purchased and held of the lord according to the custom of the manor and afterwards gave and granted to the said Robert and Nicholas the legitimately procreated sons of the said Roger and Catherine by a covenant made between the parties on the Monday in Mid-Lent in the twenty-eighth year of King Edward [A.D. 1300], and in affirmance of the said gift and grant the said chaplain, because he was impeded by grave infirmity so that in no wise could he come to the lord's court, surrendered the whole of the said land to the use of the said boys into the hands of Thomas Cooper the then custodian of the manor of King's Ripton, as the custom is in the said vill, until some one should come and hold the next court for the lord, to the intent that Roger and Catherine should at their own cost cultivate the said land during the lifetime of the said chaplain and sow it with his seed and deliver to him the crop which should issue therefrom, and should during every year so long as the said chaplain should live provide him with one good coat of coloured cloth or of good russet, and that in case he should live for three or four years or more from the date of this covenant the said Roger and Cathe-

[1] This feast is 11 July. [2] See above, p. 121.

robam suam in primo anno xl. s., in secundo anno ij. m., in tercio j. m. et in quarto anno nichil de . . . . . . aliquo anno sequente, de qua quidem convencione satisfactum fuit plenarie dicto Capellano a die Lune in media [quadragesima] . . . . . . usque ad festum Nativitatis B. Marie proximo sequens ad quod festum idem Capellanus diem suum clausit extremum . . . . . . ante obitum suum assignavit et in testamento suo legavit totam terram suam prequisitam prefatis Roberto [et Nicholao filiis predicti Rogeri et] *Katerine* legitime procreatis, quod quidem licitum fuit eidem ut dicit et omnibus alis de na[cione] . . . . . . manerii unde Rogerus de Kellawe dicit quod dicti Robertus et Nicholaus filii sui . . . . . . procreati propinquiores sunt ad dictam terram habendam quam aliquis alius, et quod sit petit [1] .

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nullus eorum fuit presens quando dictus Capellanus condidit testamentum suum, et idem [juratores ?] nichil inde sciunt nec aliquid super isto articulo presentare volunt ad presens. Et sic infecto ne[gocio et in] maximo contemptu domini et ballivorum suorum extra curiam recesserunt. Et ideo preceptum est ballivis quod de die in [diem] levari faciant de eisdem jur' xl. s. ad opus domini.

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[1] About eight lines of the record are illegible; but a jury is sworn in.

rine besides the coat would pay him in the first year 40 s., in the second year 26 s. 8 d., in the third year 13 s. 4 d., and in the fourth year nothing [and nothing in [1]] any subsequent year; and the said covenant was fully performed for the behoof of the said chaplain from the Monday in Mid-Lent [in the twenty-eighth year of the reign] until the Nativity of the B.V. Mary [September 8] next following, on which festival the said chaplain died, but . . . . . . before his death he assigned and in his testament bequeathed all his purchased land to the said Robert [and Nicholas sons of the said Roger] and Catherine legitimately begotten, which it was lawful for him to do (so Roger says) and for all others of the 'nation' [of the sokemen of the said [2]] manor; and therefore Roger of Kellow says that the said Robert and Nicholas his sons begotten [lawfully of the said Catherine] are nearer to have that land than any one else, and he demands that this [be inquired] . . . . . .

. . . .

. . . .

. . . .

. . . . [The jurors say] that none of them was present when the said chaplain made his testament, and they know nothing about it and will not make any presentment about this point at present. And so leaving their business undone and in great contempt of the lord and of his bailiffs they left the court.[3] And therefore it is ordered that the bailiffs do cause to be levied a sum of 40 s. to the use of the lord from the property of the said jurors by distress continued from day to day.

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[1] This is guess-work.

[2] Guess-work.

[3] The mutilation of this record is greatly to be regretted. We may guess however that the sokemen disliked the testamentary proceedings of the chaplain as tending to interfere with heritable rights.

[1] **Curia apud Rypton' Regis die Veneris proxima post festum Epiphanie Domini anno regni Regis Edwardi tricesimo et domini J. Abbatis sextodecimo coram W. de Wassingl'.**

Johanna filia Willelmi de Alkemundebyr' venit et solvit sursum in manum domini totum jus et clamium quod habuit vel habere potuit in illis octo acris terre et dimidia cum pertinenciis quas eadem Johanna exigebat versus Dominum Johannem de Sautr' Abbatem de Rames' per breve domini Regis, ita quod predicta Johanna nec heredes sui nichil juris vel clamii in predicta terra exigere vel vendicare poterunt inperpetuum.

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Curia ibidem die Jovis in festo S. Petri Advincula anno ut infra [anno regni Regis Edwardi xxxi°.]

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Willelmus filius Reginaldi le Stalkere venit et petit versus Johannem le Stalkere . . . terre et unum mesuagium cum pertinenciis ut jus patris sui.

Et predictus Johannes venit et defendit vim et injuriam et jus predicti Willelmi quando etc., et dicit quod non tenetur narracioni sue respondere eo quod narrando non dicit quod idem Johannes ei deforciat predictum tenementum cum pertinenciis nec dicit narrando in qua villa predicta tenementa sunt nec quis antecessor suus fuit seisitus nec quo modo jus ei descendere debet nec tempore cujus Regis antecessor suus fuit seisitus nec que explecia cepit nec ullam producit sectam, que omnia narracioni sunt necessaria, et ideo petit judicium si ad hujusmodi narracionem debeat ei respondere, et de hoc ponit se super

[1] m. 16 d. [2] m. 16 A. d.

Court of King's Ripton on Friday next after the Epiphany in the thirtieth year of King Edward and the sixteenth of Abbot John [A. D. 1302] before W. of Washingley.

Joan daughter of William of Alconbury comes and surrenders into the lord's hand all the right and claim which she had or might have in the $8\frac{1}{2}$ acres of land with the appurtenances which she demanded [1] against Lord John of Sawtrey Abbot of Ramsey by the king's writ, to the intent that neither the said Joan nor her heirs shall be able to demand or vindicate any right or claim in the said land henceforth for ever.

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Court at the same place on Thursday the feast of S. Peter at Chains [2] [in the thirty-first year of King Edward, A.D. 1303.]

* * * * * * *

William son of Reginald Stalker comes and demands against John Stalker . . . of land and a messuage with the appurtenances as the right of his father.[3]

And the said John comes and defends tort and force and the right of the said William [and will defend] when [and where it shall behove him ;] and he says that he is not bound to answer to William's count, for that in counting he did not say that the said John deforces him of the said tenement with the appurtenances, nor did he say in counting in what vill the said tenements are, nor what ancestor of his was seised, nor in what way [4] the right ought to descend to him, nor in the time of what king his ancestor was seised, nor what esplees he took, nor does he produce any suit, whereas all these points are essential to a count; and so he [John] craves judgment whether he is bound to answer to such a count; and of this he puts himself on

[1] See above, p. 120. We have seen Joan fail in one action against the Abbot. Perhaps she began another; or perhaps the Abbot takes this surrender by way of further security against her claims.

[2] This feast is 1 Aug.

[3] A very slovenly count.

[4] He has traced no pedigree.

consideracionem curie. Et predictus Willelmus similiter. Et ideo per consideracionem tocius curie consideratum est
mīā quod predictus Willelmus nichil capiat per breve suum set
ij. s. sit in misericordia pro falso clamore, et predictus Johannes inde sine die. Scrutentur plegii in brevi.

* * * * * * *

the judgment of the court. And William does likewise. And therefore by judgment of the whole court it is considered that the said William do take nothing by his writ but be in mercy for his false claim, and that the said John go thence without day. See the writ for the names of his pledges [to prosecute].

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V. THE FAIR OF S. IVES.

INTRODUCTORY NOTE.

It must be confessed that the court that we are now to visit is in no sense manorial, but on the plea that it is seignorial, that it has a lord, some extracts from its proceedings may be admitted into our collection. At any rate the roll whence they are taken is of so rare a kind and there seemed to be so much danger of its remaining unknown that for using it no apology seems necessary. It is in the Public Record Office (Augmentation Office Court Rolls, Portf. 16, No. 16), and it chronicles the doings of the Abbot of Ramsey's court of the fair of S. Ives. It deals with the fairs of 1275 and 1291. From the part of it that deals with the former fair I have extracted a number of entries relating to litigation; the part which deals with 1291 I have not used. It would be an eminently good deed to print the whole roll. There are few documents which give so much detailed information about the commercial law and commercial morals of the thirteenth century. Besides the litigation, which will here be illustrated, the court had other work to attend to, the collection of dues, the maintenance of order and decency in a town crowded for a while with strangers. The Abbot, we find, brought in his men from the neighbouring manors to form a constabulary force, and a jury of presentment was busy with many nuisances of all kinds, including a large influx of disreputable women. These matters have on the present occasion been neglected in favour of the law merchant, for the court professed to administer the 'lex mercatoria' and in cases of difficulty the merchants of the fair were called upon to declare the law.

The spot then as now known as S. Ives in Huntingdonshire seems to owe its town to its fair, and to owe its fair and its name to a miracle. In Domesday Book it is represented by the Abbot of Ramsey's manor of Slepe, a mere rural manor part of what we have called the Abbot's 'home estate' (D. B. i. 204). But in 1002 or thereabouts there had been a lucky find of bones in

Slepe and a dream proved that they were the bones of S. Ivo. (Chron. Rams. 114; Mat. Par. Chron. Maj. i. 480.) Thus the place became of some note. In 1110 the Abbot procured from Henry I. the grant of a fair at S. Ives to begin shortly after Easter and last for a week.[1] Evidently it became very profitable, and probably the limit of time set by the royal charter was not observed. According to Matthew Paris [2] Henry III. in or about 1252 at the instigation of his evil counsellor Robert Passlew deprived the Abbot of the fair most iniquitously and in disregard of the horrible anathemas which Edward the Confessor and S. Wulstan had denounced against all who should interfere with this precious possession. It seems probable that the King's claim was founded on an alleged abuse of the franchise in that the fair was kept up far beyond the chartered space of time. Paris's account of the matter is however somewhat loose, for he will have it that the Confessor and Wulstan had expressly mentioned the fair, while even if all the charters which the Ramsey monks preserved, and perhaps concocted, were authentic, this would not be true.[3] Most likely the Abbot found that in the then state of the law he could not prescribe against the King and so lost his franchise for abuse. Paris says that the noble house of Ramsey would have preferred to lose several of its manors. This we may well believe from what followed :—by a charter of 1258 Henry in consideration of a fine of 500 marks and an annual rent of £50 granted to the Abbot the right to hold a fair beginning on Tuesday in Easter week and enduring, not merely for a week, but for an unlimited season.[4] Not long afterwards the heavy rent was in arrear, for owing to the Barons' War no merchants came to the fair. Then in consideration of 120 marks the King exempted the abbey for the future from paying rent for any time of war.[5] In 1340 the Abbot was disputing with the Countess of Kent, who had been endowed with the rent of £50 issuing from the fair, as to whether there was a 'time of war' within the meaning of the charter when English armies were fighting in France.[6] Meanwhile in Edward I.'s day the Abbot had successfully attacked a charter giving the bishop of Ely a fair at Ely to begin on Ascension day; the charter was revoked by

[1] Chron. Rams. 221, 226, 286; Cart. Rams. i. 240, ii. 101.

[2] Chron. Maj. v. 296.

[3] See the charters of the Confessor and the charter of the Conqueror, sanctioned by Wulstan, Cart. Rams. ii. 70, 79, 91; Chron. Rams. 162–9, 200.

[4] Cart. Rams. ii. 67, 391 note 8.

[5] Cart. Rams. ii. 391; Year Book, 14 Ed. III. ed. Pike, p. 127.

[6] Year Book as above, and editor's Introduction, p. xv.

the King in parliament, but during the progress of the suit, says an admiring chronicler, the Abbot defended his fair 'vi armata.'[1] Clearly a fair that might endure six weeks and more was worth defending even though one had to pay £50 a year for it. Yet it would seem that the Abbot did not get the whole of the profits.

In the rolls before us certain *Collectores Huntendonie* are mentioned and in 1286 the bailiffs of this neighbouring royal borough of Huntingdon declared that they were in seisin in the King's name of taking toll in the said fair, which toll belonged to the town of Huntingdon held by them in fee farm, and that they ought to collect the toll throughout the fair carrying black rods in their hands. The Abbot admitted that they ought to carry black rods and collect toll at the gates of the town, but not elsewhere: which party proved its case we do not learn.[2] Even however without all the tolls, the rents of booths and the profits of the court must have made up a large sum. An autumnal fair seems to have been granted by King John, but of this we hear less.[3] Even at the end of the century the town of S. Ives, for clearly a town was growing up, had no organisation but that of an ordinary manor.[4] It seems to have consisted chiefly of one long street of sixty or seventy houses, the tenants of which paid rent and did some labour services to the Abbot; he claimed the frontage of the houses in fair time to a distance of twelve feet.[5] Its situation on the River Ouse made it a good place for a fair; hides and wool were the chief articles of merchandise.

In Edward I.'s day the 'lex mercatoria' was already conceived as a body of law differing in some respects from the common law.[6] Within certain limits it was for the merchants themselves to declare this law. In Edward II.'s day two merchants fell out about a point of pure law raised in the court of the fair of S. Ives and the case was brought before the King's Bench; twelve merchants were summoned from each of four towns, London, Lincoln, Winchester and Northampton, to testify to the law.[7] How large a body of definite doctrine there was bearing the name 'law merchant' it is hard for us to say. Probably in some respects it took a more liberal and modern view of contractual obligations than that which was taken by the common law. For instance we shall in our extracts read of an obligatory writing payable to bearer (see below, p. 152) and

[1] Chron. Rams. 351.

[2] P. Q. W. 306.

[3] Cart. Rams. ii. 297; Mat. Par. Chron. Maj. v. 297.

[4] Cart. Rams. i. 281; R. H. ii. 605.

[5] R. H. l. c.

[6] See the Carta Mercatoria of 1303, Riley, Munimenta Gildhallae, vol. ii. pt. 1, p. 205–8.

[7] Plac. Abbrev. 321.

certain it seems that such writings were becoming common among merchants.[1] Is there any mention of them in the Year Books? The tally and the God's penny seem to have been regarded as specially mercantile institutions. Against a tally one could not wage one's law in cases between merchants; royal favour has conceded to them that the plaintiff who has a tally may prove his case: this, says Fleta (f. 137–8), is an exception to the general rule 'in paritate juris prius admititur defensor quam pars actrix in probatione'; for we must still think of 'proof' as a benefit, not as a burden (cf. Leg. Hen. Prim. 64, § 6, 'semper erit possidens proprior quam repetens'). The payment of a God's penny was effectual to bind a mercantile bargain. Edward I. in 1303 granted this as a favour to the foreign merchants. 'Every contract between the said merchants and any persons whencesoever they may come touching any kind of merchandise shall be firm and stable, so that neither of the said merchants shall be able to retract or resile from the said contract when once the God's penny shall have been given and received between the parties to the contract.' (Carta Mercatoria.) Very similar words are found in the Custom of Avignon[2]; we are indeed dealing with the 'private international law' of the middle ages. The God's penny, it is said, ought in theory to have been applied to religious purposes, the purchase of Saints' tapers and the like; at Arles the God's penny went towards keeping up a candle for Saint Trophimus[3]; a religious sanction was thus given to the contract. Its history is still obscure, being implicated with that of the *festuca*, of which ancient instrument the tally again may be a rationalised form.[4] The point of Edward's concession may be that (perhaps under an impression that they were following Roman law) our King's courts had come to regard the God's penny as an *arra*, and to hold that the payment of this *arra* or 'earnest' did not have the effect of making the agreement enforceable, though the *arra* itself was forfeited by the buyer in case he would not fulfil the agreement, and restored twofold by the seller in case the refusal came from him. ('Item cum arrarum nomine aliquid datum fuerit ante traditionem, si emptorem paenituerit et a contractu resilire voluerit, perdat quod dedit; si autem venditorem, quod arrarum nomine receperit emptori restituat duplicatum'; Bracton, f. 61 b, 62.) This however was not the merchants' view of the law; the God's penny in

[1] Heusler, Institutionen des Deutschen Privatrechts, i. 211.

[2] Jobbé-Duval, Revendication des Meubles, 134.

[3] Jobbé-Duval, 134.

[4] Heusler, Institutionen, i. 76–86, ii. 253.

their eyes was a form which validated the contract. For them sale had become a 'formal' contract; for Bracton it was still 'real' unless it were made by deed. At least such seems to have been Bracton's opinion:—there is no contract of sale unless there be *arra*, or *scriptura* (deed) or *traditio*, and when there is *arra* but no *scriptura* or *traditio* each contractor may withdraw from the agreement though by doing so he forfeits the *arra*. Fleta (f. 127), with Bracton's text before him, points out that the law is different among merchants; the seller is bound by receipt of the *arra* to deliver the sold goods, unless indeed he prefers to forfeit five shillings for every farthing of the *arra*—an improbable contingency.

On the other hand we may be a little astonished at the way in which this mercantile court slurs over what seem to us the most elementary distinctions of jurisprudence. The action for money due on contract is conceived as an action to obtain money 'detained and deforced by violence against the lord's peace.' It looks like an action of tort; it also looks like an action to obtain coins which already are the plaintiff's. The common law with its actions of debt and covenant had already passed beyond this stage, though, as is well known, it was still to develop the contractual action of assumpsit out of the action of trespass.

But the most curious cases are those which concern the various communities of merchants which attended the fair; the 'communitates' of Stamford, Nottingham, Leicester, Huntingdon, Godmanchester, Bury S. Edmunds, Wiggenhall, among others, are mentioned, and the 'communitas' of Ypres. The 'communitas' in this context seems to be the merchant guild, though not perhaps in all cases a duly chartered guild. At first sight we may be inclined to say that these guilds are treated as corporations; but they are not treated as our modern law would treat corporations, and seemingly we ought not to think of the guild as trading with a joint stock by the instrumentality of members who are for trading purposes its agents. A common purse it may well have had, but in the main the trade was carried on by members who traded as individuals. Still every member of the guild severally guarantees the debts contracted by every member in the way of his trade—is subsidiarily liable for those debts. You are a member of the commonalty of X:—it is a cause of action for me against you that A, who is your 'peer and parcener,' your 'fellow commoner,' 'at scot and lot' with you, has contracted a trading debt with me and has not paid it. We do not find that the *communitas* is regarded as 'a juristic person,' or

—putting the notion of 'a juristic person' aside as too modern—we do not even find that the members of the community collectively sue and are sued by a common name—such at least is not the usual case. In this respect the trading *communitas* differs from the municipal *communitas* of this same age, for the 'Cives de X' or 'Burgenses de Y' can sue and be sued collectively. This is the more to be noticed because from some points of view the mercantile and municipal organisms of many of the towns seem almost identical—the merchant guild is the governing body of the borough.[1] But on these mercantile rolls the prevailing idea is rather that of guarantee, of subsidiary liability, than that of corporate unity; the debt is the debt of an individual, but his peers and partners guarantee it.[2] Would this doctrine have stood examination in the King's courts? We may doubt it. The notion that the traders of a borough form a society every member of which is more or less answerable for the acts and defaults in the way of trade of every other member is however brought out by a clause found in some of the earliest charters, which seems to mean this:—the King frees the burgesses of X from toll throughout the realm and provides that if toll be taken from them in any town, the men of X may in their town make reprisals against the men of the offending town.[3] Such reprisals may not touch the actual offender; but they touch his peers and parceners. As has been well said, there is something analogous to international relations in the intermunicipal relations of the middle ages.[4] But this is becoming antiquated. In 1275 it is ordained (Stat. West. I. c. 23) that in any city, borough, town, fair or market, a foreign person who is of this realm (i.e. seemingly, an Englishman who is not of the town) shall not be distrained for any debt for which he is not debtor, nor pledge. This seems destined to destroy the idea of a tacit guarantee for the trading debts of one's fellow townsmen:—such was the contemporary exposition of the statute (Fleta, f. 136) and it became the classical exposition (Coke, 2nd Inst. 204). To merchants who came from beyond seas this statutory protection did not extend.

As will be seen from the curious and not too creditable proceedings of William of Bolton reported below, we are now in a court where professional pleaders were employed. From the manorial courts efforts were made to exclude them; the lord

[1] Stubbs, Const. Hist. i. 417; iii. 563.

[2] See Gierke, Genossenschaftsrecht, ii. 388.

[3] Charters of London, Winchester, Lincoln etc., in Stubbs, Select Charters.

[4] Gierke, op. cit. 389.

did not want them there. In 1240 the Abbot of Ramsey forbad his tenants at Brancaster on pain of twenty shillings to introduce pleaders into his court to impede or delay his justice,[1] and the Abbot of S. Albans made a similar regulation for his halimoots; he would not have any verbal quibbles.[2] But the court of a fair could not be so domestic a tribunal; the lawyers invaded it. We must add that the rather sudden demand for professional pleaders seems to have engendered a great deal of corruption and chicane; there is much evidence that the lawyers of Edward I.'s day, great and small, judges, pleaders and attornies, had no very high standard of professional honour.[3]

At the risk of making this note too long, a translation of two cases which occurred in the fair of 1291 shall be given.[4] The first illustrates the convocation of the merchants for the solution of a knotty point of law, the mercantile view of the nature of a sale, the doctrine that no one can be compelled to put himself upon a jury, and the survival of one of the forms of compurgation noticed in the Anglo-Saxon dooms, the oath with oath-helpers chosen for, not by, the swearer. The second illustrates not only the verbal accuracy that was required of a defendant, but also the curious, though otherwise well attested, rule that when two merchants are concluding a sale a third merchant may intervene, cry 'Halves,' and insist on sharing the purchaser's bargain.

In an action of detinue William of Temesford recovers against Austin Chaplain of Temesford, and the latter is amerced; a horse is attached by way of pledge. 'And upon this came one Walter Daneys and offered to prove that the said horse was his own and craved to be admitted with his proof. To whom it was answered by the other side that fraudulently did he offer to prove another's chattel his own. And for that Walter in making this challenge lies under suspicion since he is a person of ill fame and has not chattels to this value and it is suspected that he does this of fraud and collusion, it is considered that the truth be inquired by a good inquest. Which comes and says on its oath that the said Walter "earnested" [*arravit*] by God's penny the horse from the said Austin in the vill of Temesford on the Sunday before the attachment, which attachment was made on the Tuesday following, but this was done in deceit of the said William and by collusion that the said William might be eloigned

[1] Cart. Rams. i. 428. [2] Gesta Abbatum, i. 453–5.

[3] See e.g. Munimenta Gildhallae, vol. ii. pt. i. p. 280.

[4] I hope that on some future occasion the Society will print the whole record of this fair.

[i.e. deprived] of his chattels. And the case is respited until it shall be more thoroughly discussed by the merchants. And the merchants of the various commonalties and others being convoked in full court, it is considered that since the said Walter never put himself on the said inquest, which inquest was taken by the steward merely ex officio [i.e. was a mere 'inquest of office'] and since according to the law merchant the said Walter had sufficiently concluded the sale (*empcionem firmavit*) of the horse by the delivery of the God's penny, the said Walter do come third-handed with good and elected and credible men (*cum tercia manu sua de bonis hominibus electis et fidedignis*) to prove that the said horse is his, so that at the time of the attachment the said Austin had neither art nor part in the said horse. And the said Walter came and made his law sufficiently, therefore let him go quiet with the said horse and let the said William be in mercy for his false claim ; he is pardoned.'

'Nicholas Legge complains of Nicholas of Mildenhall, for that unjustly he impedes him from having (according to the usage of merchants) part in a certain ox which Nicholas of Mildenhall bought in his presence in the vill of S. Ives on Monday last past, to his damage 2 s. whereas he was ready to pay half the price, which price was 2 s. 6 d. And Nicholas [of Mildenhall] defends the words of court and says that the law merchant does well allow that every merchant may participate in a bargain in the butchers' trade (*participet de mercandisa carnificum*) if he claims a part thereof at the time of the sale ; but [to prove] that the said Nicholas Legge was not present at the time of the purchase nor claimed a part thereof, he is ready to make law. And Legge says that Mildenhall ought not to come to the law (*ad legem venire non debet*) for that he is charged with having denied Legge a part of the said ox and this word he has not defended [i.e. he has not precisely traversed the denial], wherefore the said Legge craves judgment of him as of one undefended. Therefore it is considered that the said Legge do recover against him 2 s. for his damages and that Mildenhall be in mercy 2 s.'

Postscript.—As regards obligatory writings payable to bearer reference should have been made to the very interesting papers in which their early history has been traced by Dr. Brunner. See Zeitschrift für das Gesammte Handelsrecht, 1877–8.

[[1] CURIA ABBATIS RAMESIENSIS IN FERIA SANCTI YVONIS.]

Curia in feria S. Yvonis die Mercurii proxima ante festum S. Marci Ewangeliste anno regni Regis Edwardi tercio et anno domini Willelmi Abbatis Ramesiensis viii° coram S. de Schetlingd' tunc Senescallo ferie.

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[2] Thomas de Welles queritur de Willelmo de Horningsete eo quod ubi fuit et credidit extitisse in pace domini Abbatis et ballivorum ferie die Cene ultimo preterito in nave Walteri de Ely et fecit mercandisam cum quodam mercatore de iij. ulnis de viridi, venit predictus Willelmus et insultavit predictum Thomam verbis turpissimis vocando ipsum latronem et alia enormia ad dampnum et vituperium suum dim. m. et ducit sectam.

Dictus Willelmus presens fuit, non defendit verba curie, quare dictus Thomas petit judicium de eo tanquam de indefenso. Unde per consideracionem curie dictus Willelmus satisfaciat predicto Thome de dampnis suis et pro transgressione in misericordia, plegius Petrus Redhod'.

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Curia Ferie die Veneris proxima post festum S. Marci Ewangeliste anno domini W. Abbatis viii°.

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Thomas de Welles queritur de Adam Garsoppe eo quod injuste ei detinet et deforciat j. cofre quem dictus Adam eidem vendidit die Mercurii proxima post mediam quadragesimam

[1] Public Record Office, Augmentation Office Rolls, Portf. 16, No. 16.
[2] m. 2.

[COURT OF THE ABBOT OF RAMSEY IN THE FAIR OF S. IVES.]

Court in the Fair of S. Ives on Wednesday next before the feast of S. Mark[1] in the third year of King Edward and the eighth of Abbot William [A.D. 1275] before S. of Shitlington then Steward of the Fair.

* * * * * * *

Thomas of Wells complains of William of Horningsea for that, whereas he [Thomas] was and believed himself to be in the peace of the lord abbot and of the bailiffs of the fair on the day of [the Lord's] Supper[2] last past in the ship of Walter of Ely and was making bargain with a certain merchant about three ells of vert, came the said William and assaulted him with the vilest words calling him thief 'and other enormous things' to his damage and dishonour 6 s. 8 d.; and he produces suit.

The said William was present and did not defend the words of court. Wherefore the said Thomas craves judgment against him as against one who is undefended. Therefore by judgment of the court let the said William make satisfaction to the said Thomas for his damages and be in mercy for his trespass; pledge, Peter Redhood.

* * * * * * *

Court of the Fair on Friday next after the feast of S. Mark in the eighth year of Abbot William.

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Thomas of Wells complains of Adam Garsop for that he unjustly detains and deforces from him a coffer which the said Adam sold to him on Wednesday next after Mid Lent

[1] S. Mark is 25 Apr., a Thursday in 1275. Easter fell on 14 April.

[2] Holy Thursday, which fell on 11 April.

ultimo preterita pro sex d. de quibus solvit predicto Ade duos den. et beverech[1] pre manibus et residuum venit et voluit solvisse die dominica in octabis Pasche sequenti, quod quidem residuum dictus Adam recipere non voluit nec de dicto cofre respondere set omnino retinuit ad dampnum et vituperium suum duorum sol. et ducit sectam.

Predictus Adam presens non defendit consueta verba curie. Ideo satisfaciat dicto Thome et pro injusta detencione in misericordia vj. d., plegius supertunica sua.

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Curia Ferie die Martis proxima sequenti anno domini W. Abbatis viii°.

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Reginaldus Pykard de Stanford venit et per medium os suum recognovit quod vendidit Petro Redhod de Lonn' unum anulum de eneo pro quinque den. et ob. dicens anulum predictum esse aurum purissimum et quod ipse et quidam alius monoculus dominica proximo preterita illum anulum in ecclesia S. Yvonis coram cruce invenerunt. Iccirco consideratum est quod idem Reginaldus satisfaciat predicto Petro de quinque den. et ob. et pro transgressione in misericordia, pauper, plegius corpus suum.

* * * * * * *

Thomas de Weston' de Norhpt' recognovit in curia quod tenetur Johanni Frankes de Hulmo in quinque sol. argenti quos idem Johannes ei mutuo tradidit, et ex altera parte viginti sol. unde dictus J. plegius ejus fuit versus Ricardum de Berton' et dampnum pro plegio ejusdem Thome sustinuit. Icirco per consideracionem curie dictus Thomas satisfaciet dicto Johanni de pecunia supradicta et pro injusta detencione in misericordia xij. d., plegius ij. equi et caretta.

* * * * * * *

[1] As to this word, see Glossary.

last past for 6 d. whereof he paid to the said Adam 2 d. and a drink [1] in advance, and on the Octave of Easter came and would have paid the rest, but the said Adam would not receive it nor answer for the said coffer but detained it unconditionally to his damage and dishonour 2 s.; and he produces suit.

The said Adam is present and does not defend the customary words of court. Therefore let him make satisfaction to the said Thomas and be in mercy for the unjust detainer; fine, 6 d.; pledge, his over-coat.

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Court of the Fair on the next Tuesday in the eighth year of Abbot William.[2]

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Reginald Pickard of Stamford came and confessed by his own mouth [3] that he sold to Peter Redhood of London [?] a ring of brass for $5\frac{1}{2}$ d. saying that the said ring was of the purest gold and that he and a one-eyed man found it on the last Sunday in the church of S. Ives near the cross. Therefore it is considered that the said Reginald do make satisfaction to the said Peter for the $5\frac{1}{2}$ d. and be in mercy for the trespass; he is poor; pledge, his body.

* * * * * * *

Thomas Weston of Northampton confessed in court that he is bound to John Franks of Hulme in 5 s. of silver which the said John lent him and further in 20 s. for which the said John became his pledge to Richard of Barton and by reason of this suretyship suffered damage. Therefore by judgment of the court the said Thomas shall make satisfaction to the said John for the said money and be in mercy for the unjust detainer; fine, 12 d.; pledge, two horses and a cart.

* * * * * * *

[1] According to a common custom the bargain is bound by a drink. In French, if not in English law, this solemnity seems to have had a legal force.

[2] 30 April.

[3] Literally 'through the middle of his mouth,' i.e. open-mouthed.

Curia Ferie die Mercurii proxima sequenti scil. die Apostolorum Philippi et Jacobi anno supradicto.

* * * * * * *

Adam Waderoue queritur de Galfrido de Oxon' eo quod ei injuste detinet et deforciat tres sol. et unum den. et ideo injuste quod ubi idem G. venit die Lune ultimo preterito in feria S. Yvonis ex opposito domus Rogeri filii Alexandri et emit de eodem Adam v. vellera lane pro tribus sol. et duobus den. dictus G. non solvit eidem nisi unum den. tantum, et sic cum predictis tribus sol. et uno den. et cum predictis v. velleribus lane recessit et adhuc detinet et adhuc est in seysina ad dampnum et vituperium suum dim. mar., et ducit sectam.

Dictus Galfridus presens fuit[1] defendit verba curie et dampnum et vituperium dicti Ade dim. mar., et recognovit quandam veritatem, dicens se non posse dedicere quin dictam lanam emit pro tribus sol. et duobus den. (et de eadem fuit in seysina) sicut dictus Adam ipsum incopavit set dixit quod dictus Adam illam lanam ei vendidit pro pondere viij. librarum et dimidie lane, de quo pondere in-
Proba. venit defectum de j. libra, et quod idem Galfridus promptus fuit semper et paratus ad solvendum predicto Ade pecuniam supradictam ita quod idem Adam ei allocaret de eadem pecunia valorem unius libre lane que de pondere viij. librarum et dimidie deficiebat, optulit se sufficienter probare si curia consideraverit. Et datus est ei dies ad probandum in crastinum cum tercia manu sua.

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Curia Ferie die Jovis proxima sequenti anno supradicto.

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Galfridus de Oxonia venit et sufficienter probavit cum tercia manu sua quod alio modo non detinet Ade Waderoue tres sol. et unum den. pro v. velleribus lane que Adam eidem vendidit nisi sub hac forma quod lana eadem non ponderavit viij. lib. et dim. sicut dictus Adam ei promisit in vendicione,

[1] Supply *et*.

Court of the Fair on the next Wednesday, to wit, the feast of SS. Philip and James,[1] in the said year.

* * * * * * *

Adam Waderove complains of Geoffrey of Oxford, for that he unjustly detains and deforces him of 3 s. 1 d., and therefore unjustly, because whereas the said Geoffrey came on Monday last in the Fair of St. Ives opposite the house of Roger Alexander's son and bought of the said Adam 5 fleeces of wool for 3 s. 2 d. the said Geoffrey only paid him 1 d.[2] and thus has gone off with the said 3 s. 1 d. and with the said 5 fleeces and still detains them and is in seisin of them to his [Adam's] damage and dishonour 6 s. 8 d.; and he produces suit.

The said Geoffrey was present and defended the words of court and the damage and dishonour of Adam [to the amount of] 6 s. 8 d., but made a certain confession, namely he said that he could not deny that he bought the said wool for 3 s. 2 d. and was in seisin of it as Adam alleged against him, but he said that Adam sold him the wool by weight as being 8½ lb. of wool and he [Geoffrey] found in it a deficiency of 1 lb., and that he, Geoffrey, was always ready and willing to pay the said Adam the said money provided that Adam would allow him out of it the value of the 1 lb. of wool which was deficient from the said weight of 8½ lb.; [and that this was so] he offered to prove sufficiently, if the court should award [him the proof]. A day is given him to make his proof to-morrow three-handed.

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Court of the Fair on the next Thursday in the said year.

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Geoffrey of Oxford came and sufficiently proved three-handed that in no other wise does he detain from Adam Waderove 3 s. 1 d. for 5 fleeces of wool which Adam sold him save in manner following, to wit, that the said wool did not weigh 8½ lb. as Adam promised that it should when

[1] 1 May. [2] By way of earnest or God's penny.

set minus ponderavit de j. lib. Iccirco per consideracionem curie dictus G. subtrahat de predictis tribus sol. et uno den. valorem unius lib. lane, et solvat predicto Ade totum residuum scil. duos sol. et viij. den. et ob. per plegios Johannis de Depe et Radulfi de Dunton'. Et predictus
vj. d. Adam pro falso clamore in misericordia vj. d., plegii Willelmus Byssop et Elyas Hundredarius.

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Curia Ferie die Invencionis S. Crucis scilicet die Veneris anno supradicto.

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Simon le Chapman de Swaues' per Robertum de Thorcheneys attornatum suum queritur de Ricardo de S. Botulpho eo quod ubi fuit in regia via ex opposito domus Rogeri Lomb in villa S. Yvonis die Mercurii ultimo preterito et habuit in manum suam j. pellem lanicam ad vendendum, venit predictus Ricardus et barganavit dictam pellem et Simon predictus pellem eamdem sibi concessit pro viginti den., dictus Ricardus de precio eodem non contentus set optulit eidem Simoni quatuordecim den. et sic pellem predictam omni sensu voluit habere, et quia predictus Simon in hoc ei contradixit, idem *Ricardus* ipsum insultavit et assumpsit eum per gargatam et pellem predictam secum asportavit (et injuste detinet) et adhuc est in seysina contra pacem domini Abbatis et ballivorum suorum et ad damp-
Lex num et vituperium predicti Simonis dim. m., et ducit sectam.

Predictus Ricardus presens defendit verba curie et dampnum et vituperium predicti Simonis dim. m., et quod ipse (Ricardus) predictum Simonem non insultavit nec per gargatam cepit sicut incopatus est, promptus est facere quod curia consideraverit. Et est ad legem. Plegii legis Hugo frater . . . Thomas de Fontibus de S. Botulpho.
Inquisicio De pelle vero predicta de qua prefatus Simon dicit ipsum Ricardum adhuc esse in possessione et seysina et quod

the sale was made, but weighed 1 lb. less. Therefore by judgment of the court the said Geoffrey may deduct from the said 3 s. 1 d. the value of 1 lb. of wool, and shall pay to the said Adam the whole of the residue, to wit 2 s. 8½ d.; pledges, John of Depe and Ralph of Dunton. And let the said Adam be in mercy for his false claim; fine, 6 d.; pledges, William Bishop and Elias the Hundredor.

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Court of the Fair on Friday the day of the Invention of Holy Cross[1] in the said year.

* * * * * * *

Simon Chapman of Swavesey by Robert of Torcenai his attorney complains of Richard of Boston, for that whereas he [Simon] was in the king's highway opposite the house of Roger Lomb in the vill of S. Ives on Wednesday last and had in his hand a fleece of wool for sale, came the said Richard and bargained [for] the said fleece, and Simon granted it him for 20 d., but the said Richard was not content to have it at this price but offered 14 d. and insisted that any way he would have it at that price, and because the said Simon would not consent to this, he, Richard assaulted him and took him by the throat and carried off the said fleece and unjustly detains it and still is in seisin of it against the peace of the lord abbot and his bailiffs and to the damage and dishonour of the said Simon 6 s. 8 d.; and he produces suit.

The said Richard is present and defends the words of court and the damage and dishonour of the said Simon [to the amount of] 6 s. 8 d., and [to prove] that he did not assault the said Simon or take him by the throat as he is charged with having done he is ready to do what the court shall consider. And he is at his law. Pledges for his law, Hugh brother of . . . and Thomas Springs of Boston. And as to the said fleece of which the said Simon says that he, the said Richard, is still in possession and seisin, and

[1] 3 May.

idem Ricardus pellem predictam itaque non asportavit petit quod per bonam inquisicionem mercatorum et proximorum vicinorum inquiratur.[1]

* * * * * * *

Henricus le Chapman de Ward' et Emma uxor ejus queruntur de Ricardo le Bocher de S. Botulpho eo quod ubi Henricus et Emma habuerunt j. pernam porci (die Jovis ultimo preterito) in villa S. Yvonis in regia via ex opposito domus Rogeri Lomb ad vendendum *precii . . . d.* venit predictus Ricardus et dictam pernam barganavit et contra pacem domini et ballivorum ferie illam asportavit absque solucione alicujus denarii et adhuc est in seysina ad dampnum et vituperium suum trium sol., et duc'[2] sectam.

Predictus Ricardus presens defendit verba curie et recognovit unam veritatem dicens se non posse dedicere quin pernam predictam asportavit et de eadem est in seysina, et hac racione quod predicta Emma occupavit locum quem idem Ricardus conduxit in feria pro suis denariis nec voluit se de loco eodem amovere, et quod idem

Inquisicio Ricardus pernam illam aliter non asportavit, petit quod inquiratur per bonam inquisicionem mercatorum et vicinorum.

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[3] Curia Ferie die Sabbati proxima sequenti anno supradicto.

Ricardus de S. Botulpho venit et fecit sufficientem legem Roberto le Thorcheneys attornato Simonis le Chapman de Swaues' quod ipsum non insultavit in regia via ex opposito domus Rogeri Lomb. Ideo idem Ricardus recedat quietus, et dictus Simon pro falso clamore in

xviij. d. misericordia xviij. d., plegii Henricus de Lolleworth' et Robertus Torcheneys.

Ricardus Koket, Robertus Eureman de la Neyeland',

[1] Why does not Richard wage his law as to both parts of the charge against him? Surely if he might wage it for the assault, he might wage it for the asportation and detinue.

[2] *ducit* or *ducunt*.

[3] m. 2 d.

[to prove] that he, the said Richard, did not thus carry off the fleece he prays that this be inquired by a good inquest of merchants and of his next neighbours.[1]

* * * * * * *

Henry Chapman of Warboys and Emma his wife[2] complain of Richard Butcher of Boston, for that whereas the said Henry and Emma on Thursday last had a pig's ham for sale at the price of . . . d. in the vill of S. Ives in the king's highway opposite the house of Roger Lomb, came the said Richard and bargained [for] the said ham and against the peace of the lord and of the bailiffs of the fair carried it off without payment of a single penny and still is in seisin thereof to their damage and dishonour 3 s., and they produce suit.

The said Richard is present and defends the words of court but will confess a certain truth [in the charge] and says that he cannot deny that he carried off the said ham and is in seisin of it, and this is so because Emma had occupied a place in the fair that he, Richard, had hired for money, and would not leave that place ; and that he in no other way carried off the said ham, he craves may be inquired by a good inquest of merchants and neighbours.[3]

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Court of the Fair on the next Saturday[4] in the said year.

Richard of Boston came and made a sufficient law to Robert of Torcenai the attorney of Simon Chapman of Swavesey [by way of proof] that he did not assault him in the king's highway opposite the house of Roger Lomb. Therefore let the said Richard go quit and the said Simon be in mercy for his false claim ; fine, 18 d. ; pledges, Henry of Lolworth and Robert of Torcenai.

Richard Coket, Robert Everman of Neyland, Robert of

[1] More of this case at the next court.
[2] Observe this joinder of the wife.
[3] More of this below. [4] 4 May.

Robertus de Subyr', Petrus Mercator, Willelmus Franceys, Hugo de Brocton', Henricus de Cressinghale, Willelmus de Dunstapl' et Ricardus Pat*erner* jurati dicunt per sacramentum suum quod Ricardus de S. Botulpho vi et violencia abstulit a manibus Simonis Mercatoris de Swaves' j. pellem lanicam precii xx. d. et eam tradidit cuidam Romano et sic injuste fuit in seysina. Ideo satisfaciat dicto Simoni de pelle predicta et de dampno suo scil. xviij d. per taxacionem

xij. d. juratorum, et pro transgressione in misericordia xij. d., plegii Thomas de Fontibus et Johannes de S. Botulpho.

* * * * * * *

Thomas de London' queritur de Matilde uxore Johannis Wodeful eo quod ubi idem Thomas fuit die Jovis ultimo preterito in domo . . . donel de S. Ivone in quodam pistrino quod conduxit ad panem farinand' ad opus mercatorum et aliorum ad nund*inas* accedencium, venit predicta Matildis contra pacem domini Abbatis et ballivorum ferie in pistrino ejusdem Thome et viol*enter* verbis contumeliosis uxorem

Lex dicti Thome insultavit vocando ipsam meretricem et sorceram cum *quadam* gata de geste repleta et effusit eam super albam farinam dicti Thome ad dampnum suum iij. d. et ad vituperium suum eo quod ei fecit hamsok' dim m. et duc' sectam.

Dicta Matildis presens defendit verba curie et dampnum et vitu*perium* dicti Thome, et prompta est facere quod curia consideraverit quod dictam Matildem[1] verbis turpissimis non insultavit nec *gestam super* farinam dicti Thome non

Inquisicio effusit unde valorem trium den. debuit perdidisse. Et est ad legem. Plegii de lege Robertus Dur*ant et* Willelmus de Eltesle. De hamsok' quam idem Thomas dixit dictam Matildem fecisse capiatur inquisicio per mercatores et proximos vicinos.

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[1] Perhaps Thomas's wife was also named Maud.

Sudbury, Peter Merchant, William Francis, Hugh of Broughton, Henry of Cressinghall, William of Dunstable and Richard Paterner being sworn say upon their oath that Richard of Boston by force and violence took from the hands of Simon Chapman of Swavesey a fleece of wool price 20 d. and delivered it to a certain Roman and thus was unlawfully in seisin of it. Therefore let him make satisfaction to the said Simon for the said fleece and for his damage, to wit, 18 d. taxed by the jurors and be in mercy for his trespass; fine, 12 d.; pledges, Thomas Springs and John of Boston.

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Thomas of London complains of Maud wife of John Woodfull, for that whereas the said Thomas was on Thursday last in the house of . . . . donel of St. Ives in a certain bakehouse which he had hired for the purpose of making bread for the use of the merchants and others frequenting the fair, the said Maud against the peace of the lord Abbot and of the bailiffs of the fair came into the bakehouse of the said Thomas and attacked the wife of the said Thomas with contumelious words calling her whore and sorceress and violently assaulted her with a certain 'gate'[1] of yeast, and poured it over the white meal of the said Thomas to his damage 3 d. and to his dishonour 6 s. 8 d. since she was guilty of hamsoken against him; and he produces suit.

The said Maud is present and defends the words of court and the damage and dishonour of the said Thomas, and is ready to do what the court shall award [to prove] that she did not assault [Thomas's wife] with vile words or pour yeast over the meal of the said Thomas so that he was damaged to the amount of 3 d. And she is at her law. Pledges for her law, Robert Durant and William of Eltisley. As to the hamsoken which the said Thomas alleges against the said Maud let an inquest be taken of merchants and next neighbours.[2]

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[1] The *gata* is a measure used for grain and the like; see Glossary.
[2] More of this below.

Convictum est per vicinos et mercatores jur' quod Ricardus de S. Botulpho alio modo non cepit unam pernam porci *de* manibus Emme uxoris Henrici le Chapman de Wardeboys nisi pro transgressione sua eo quod occupavit frontem domus idem . . . conduxit de Priore de S. Yvone. Iccirco consideratum est quod solvat dicte Emme pernam predictam precii xiiij. d., et prefata Emma . . . clamore et
vj. d. transgressione in misericordia vj. d., plegius Thomas Bac.

* * * * * * *

Johannes de Beston' de Notingham queritur de Gileberto de Castreton' de Stanford' de decem lib. injuste detentis et de decem lib. de dampnis. Ideo preceptum est quod dictus
pre' est G. distringatur ad respondendum. Et predictus Johannes dat domino pro auxilio habendo terciam partem tocius pecunie supradicte, plegius de prosequendo Johannes Colle.

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Curia Ferie die Lune in festo S. Johannis ante Portam Latinam anno W. Abbatis viii°.

Radulfus Raven queritur de Alano Sutore de S. Yvone eo quod injuste ei detinet et deforciat octo sol. argenti, et ideo injuste quod ubi idem Radulfus fuit domo sua in S. Ivone die S. Laurencii ultimo preterito venit predictus Alanus et barganavit coria equorum et boum tannata de eodem Radulfo pro quibus coriis solvisse debuit dicto Radulfo predictos octo sol. ad festum S. Michaelis proximo
Lex sequens quos nondum solvit set contra pacem domini Abbatis et ballivorum suorum hucusque detinuit ad dampnum et vituperium suum dim. m., et ducit sectam.

Predictus Alanus presens defendit totum de verbo ad verbum. Et est ad legem. Plegii Ricardus filius Reginaldi de S. Ivone et Willelmus de Eltesle.

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It is found by neighbours and merchants who are sworn that Richard of Boston in no other way took a pig's ham from the hands of Emma wife of Henry Chapman of Warboys than that [he took it from her] because of a trespass of which she was guilty in occupying the frontage of a house which the said [Richard] had hired from the Prior of S. Ives. Therefore it is considered that he do pay to the said Emma for the ham, price 14 d., and that she be in mercy for her [false] claim and her trespass; fine, 6 d.; pledge, Thomas Back.

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John Beeston of Nottingham complains of Gilbert Chesterton of Stamford touching £10 unjustly detained and £10 for damages. Therefore it is ordered that Gilbert be distrained to answer. And the said John gives the lord a third part of the whole of the aforesaid money that he may have aid; pledge for prosecution, John Colle.

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Court of the Fair on Monday the feast of S. John before the Latin Gate[1] in the eighth year of Abbot William.

Ralph Raven complains of Alan Cobbler of S. Ives, for that he unjustly detains and deforces from him 8 s. of silver, and unjustly for this reason, because whereas the said Ralph was in his own house in S. Ives on the day of S. Laurence [10 Aug.] last past, came the said Alan and bargained with him [for] tanned hides of horses and oxen, for which hides he was to have paid the said Ralph the said 8 s. at the feast of S. Michael then following, and he has not paid them but against the peace of the Abbot and his bailiffs still detains them to his damage and dishonour 6 s. 8 d.; and he produces suit.

The said Alan is present and defends all of it word by word. And he is at his law; pledges, Richard son of Reginald of S. Ives and William of Eltisley.

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[1] 6 May.

Curia Ferie die Martis proximo sequenti anno supradicto.

Alanus Sutor de S. Ivone venit et sufficienter legem fecit Radulfo Rauen. Ideo idem Alanus quietus et dictus Radulfus pro falso clamore in misericordia vj. d. Plegius Elyas Hundredarius.

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Matildis Wodeful venit et retraxit se de lege sua versus Thomam de London'. Iccirco idem Thomas recuperet dampna sua per taxacionem curie, et dicta Matildis in
xij. d. misericordia xij. d., plegii Ricardus de Grafton' et Reginaldus filius Alexandri.

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Jurati dicunt quod Matildis Wadeful fecit hampsok' super Thomam de Lond' die Jovis ultimo preterito. Ideo satisfaciat ei et pro transgressione in misericordia, supra. Plegii Ricardus de Grafton' et Reginaldus filius Alexandri.

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Preceptum est Elye distringere communitatem Leycestr' ad respondendum Willelmo de Fletebrigge et Amicie uxori sue. Et de eadem communitate attachiati sunt Alanus Parser, Adam cum Naso et Robertus Houel per iij. diker' de coriis bovinis ccc. de pell' multon' et per vj. saccos lane, et Willelmus de Monte Sorelli de Leycestr' attachiatus est per cc. pell' multon' que sunt in custodia Stephani Mercatoris.

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[1] **Curia Ferie die Mercurii proxima post festum S. Johannis ante Portam Latinam anno W. Abbatis viii°.**

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Willelmus de Fletebrigge et Amicia uxor ejus queruntur de Thoma de Couentre de Leycestr' cui Alanus Pistor, Adam cum Naso, Robertus Houel et Willelmus de Monte

[1] m. 3.

Court of the Fair on the next Tuesday[1] in the said year.

Alan Cobbler of S. Ives came and sufficiently made his law to Ralph Raven. Therefore be the said Alan quit and the said Ralph in mercy for his false claim; fine, 6 d.; pledge, Elias Hundredor.

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Maud Woodfull came and withdrew herself from her law against Thomas of London. Therefore let Thomas recover his damages by the taxation of the court and the said Maud be in mercy; fine, 12 d.; pledges, Richard of Grafton and Reginald Alexander's son.

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The jurors say that Maud Woodfull committed hamsoken against Thomas of London on last Thursday. Therefore let her make satisfaction to him and be in mercy for her trespass; for amercement see above; pledges, Richard of Grafton and Reginald Alexander's son.

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Order is given to Elias [the hundredor[2]] to distrain the commonalty of Leicester to answer William of Fleetbridge and Amice his wife. And of the said commonalty Alan Parser, Adam with the Nose and Robert Howell are attached by 3 dickers of hides of oxen and 300 [dickers of] fleeces of sheep and 6 sacks of wool, and William Montsorel of Leicester is attached by 200 fleeces of sheep which are in the custody of Stephen Chapman.

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Court of the Fair on Wednesday next after the feast of S. John before the Latin Gate in the eighth year of Abbot William.

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William of Fleetbridge and Amice his wife complain of Thomas Coventry of Leicester whose peers and parceners in the commonalty of Leicester, Alan Baker, Adam with

[1] 7 May.

[2] There are many entries which show that this Elias the Hundredor was the executive officer of the court.

Sorelli burgenses et mercatores Leycestr' attachiati pares sunt et participes et de eadem communitate Leycestr' injuste eis detinet et deforciat lv. sol. ij. den. ob. de summa decem marcarum pro uno sacco lane quem quidem Henricus Cok' pater predicte Amicie cujus heres ipsa est[1] predicto Thome de Couentre vendidit in villa de Leycestr' in domo ejusdem Henrici vigilia Ascenscionis Domini proximo futura erunt tres anni elapsi, quos quidem lv. sol. ij. d. ob. predictus Thomas debuit solvisse ad festum S. Michaelis proximo sequens et nondum solvit, unde dicti Willelmus et Amicia sequebantur ad pacand' pecuniam supradictam in curia de Leycestr' portantes secum talliam de predictis lv. s. ij. d. ob. quam quidem talliam predictus Henricus Cok' eis tradiderat in extremis suis ad exigendam pecuniam predictam, et predicti Alanus, Adam et alii socii sui superius attachiati insimul cum ceteris de communitate Leycestr' eisdem Willelmo et Amicie de justicia defecerunt, unde idem Willelmus et Amicia vocant ipsos pariter et alios de eadem communitate detentores deforciatores et debiti predicti principales debitores ad dampnum et vituperiuum suum xl. s. et duc' sectam.

Dicti vero Alanus, Adam, Robertus et Willelmus presentes defendunt pacem domini Abbatis et ballivorum ferie infractam et dampnum dictorum Willelmi et Amicie xl. s., et prompti sunt ad verificandum quocumque modo curia consideraverit quod dictus Thomas de Couentre nunquam par nec particeps nec ad scot et lot cum eisdem nec de communitate Leycestr' fuit.

Et predicti Willelmus et Amicia petunt judicium de dictis Alano, Ada, Roberto et Willelmo tanquam de indefensis eo quod non defenderunt ubi incopati fuerunt tanquam detentores deforciatores et principales debitores debiti supradicti.

Et curia dicit quod dicti Alanus, Adam, Robertus et Willelmus et alii de communitate Leycestr' attachiati sufficienter non responderunt ad incopamentum, nec defenderunt

[1] Observe this allegation that Amice is the creditor's *heir*. Could the heir still sue for debts due to the ancestor quite unconnected with land ?

the Nose, Robert Howell and William of Montsorel burgesses and merchants of Leicester have been attached, for that he [Thomas] unjustly detains and deforces from them [William and Amice] 55 s. 2½ d. part of a sum of 10 marks for a sack of wool which Henry Coke father of the said Amice, whose heir she is, sold to the said Thomas in the vill of Leicester in the house of the said Henry three years ago come the vigil of Ascension day next, which 55 s. 2½ d. the said Thomas ought to have paid at Michaelmas next following and has not yet paid; and the said William and Amice sued for the payment of the said money in the court of Leicester having with them a tally for the said 55 s. 2½ d., which tally the said Henry Coke had delivered to them on his death-bed for the purpose of exacting the said money; and the said Alan, Adam and other their fellows, who have been attached as above, together with others of the commonalty of Leicester made default of justice to the said William and Amice, wherefore the said William and Amice style them and the others of the said commonalty detainors, deforceors and principal debtors of the said debt, to their damage and dishonour 40 s.; and they produce suit.

The said Alan, Adam, Robert and William are present and defend any breach of the peace of the lord Abbot and of the bailiffs of the fair and the damage of the said William and Amice to the amount of 40 s., and they are ready to verify in such manner as the court shall award that the said Thomas Coventry was never peer or parcener of theirs or at scot and lot with them or a member of the commonalty of Leicester.

And the said William and Amice pray judgment against the said Alan, Adam, Robert and William as against the undefended for that they have not made a sufficient defence since they were charged as detainors, deforceors and principal debtors of the said debt.

And the court says that the said Alan, Adam, Robert and William and other the members of the commonalty of Leicester who have been attached have not made a suffi-

verba que fuerint defendenda.[1] Iccirco per consideracionem curie et mercatorum predicti Willelmus de Fletebrigge et Amicia uxor ejus recuperent predictos lv. s. ij. d. et ob. una cum dampnis suis et pro injusta detencione
x. s. sunt in misericordia x. s. et unusquisque eorum est plegius alterius.

Curia Ferie die Jovis proximo sequenti anno supradicto.

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Leticia que fuit uxor Gatte Ape de S. Yvone queritur de Fr. Ricardo monacho et celerario de Kyrkested eo quod vi et injuste ei detinet et deforciat (contra pacem domini Abbatis et ballivorum suorum) dim. m. argenti de anno proximo preterito et aliam dim. m. de anno presenti, et ideo injuste quod ubi quidam Willelmus monachus et celerarius de Kyrkestede predecessor istius Ricardi celerarii die Lune proxima ante Hokeday anno ab Incarnacione m°. cc°. lx°. iij°. accessit ad Godefridum virum ejusdem Leticie cujus heres et executor ipsa est in domo ejusdem Godefridi quam habuit versus aquam ex parte orientali parochialis ecclesie in villa S. Ivonis et conduxit ab eodem Godefrido domos suas predictas, ita quod ipse (W.) celerarius et alii celerarii successores sui et alii de Kirkested' et de Valle Dei[2] monachi quos sibi voluerint associare domos predictas cum una coquina et stabulo ad quatuor equos in eadem coquina quam dictus Godefridus ad opus eorundem fecit edificare tenerent et haberent in perpetuum tempore nundinarum pro dim. m. annuatim inde solvenda sive venerint sive non, idem Ricardus celerarius anno preterito et presenti a predictis domibus se subtraxit, per quam subtractionem domus predicte hactenus sunt vacue et ruinose et dim. m. de anno preterito et aliam dim. m. de anno pre-

[1] The charge was that by denying justice in their court at Leicester they became principal debtors, so the denial that Thomas was a member of their community, which might have discharged them of any subsidiary liability for his trade debts, was insufficient.

[2] Kirkstead and Vaudey were Cistercian houses in Lincolnshire.

cient answer to the charge nor defended the words that were to be defended. Therefore by judgment of the court and of the merchants let the said William of Fleetbridge and Amice his wife recover the said 55 s. 2½ d. together with their damages, and let [these Leicester folk] be in mercy for their unjust detention; fine, 10 s.; each of them is pledge for the other.

Court of the Fair on the next Thursday in the same year.

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Letice formerly the wife of Gatte [1] Ape of S. Ives complains of Brother Richard monk and cellarer of Kirkstead, for that he by force and unjustly detains and deforces from her against the peace of the lord Abbot and his bailiffs a half-mark of silver for the year last past and another half-mark for the present year, and unjustly because, whereas one William monk and cellarer of Kirkstead the predecessor of the said Richard the cellarer on Monday next before Hokeday in the year 1263 came to Godfrey her husband whose heir [2] and executor she is in the house of the said Godfrey which he had by the waterside on the east side of the parish church in the vill of S. Ives and hired from the said Godfrey his said house, so that the said William the cellarer and other the cellarers his successors and other the monks of Kirkstead and Vaudey whom they [the cellarers] chose to associate with them might have and hold the said house for ever at fair time together with a kitchen and a stable for four horses in the same kitchen which the said Godfrey caused to be built for their use, for a half-mark annually to be paid thence whether they [the monks] should come or no, the said Richard the cellarer in the last year and the present has withdrawn himself from the said house, by reason of which withdrawal the said house stands empty until now and out of repair, and he unjustly detains and deforces the said half-mark for last year and another

[1] 'Gatte' seems a pet name for Godfrey.

[2] Heir! Has the word *heres* a different sense in the courts merchant to that which it has in the king's courts?

senti injuste detinet et deforciat contra pacem domini et ballivorum suorum ad dampnum et vituperium ejusdem Leticie xl. s., et ducit sectam.

Dictus vero Ricardus celerarius presens defendit per placitatorem suum vim et injuriam et pacem domini Abbatis et ballivorum suorum infractam et dampnum et vituperium ejusdem Leticie xl. s. et petit judicium de incopamento predicte Leticie desicut ipsa Leticia incopavit ipsum Ricardum de facto et contracto cujusdam Willelmi celerarii de Kirkestede predecessoris sui quod cum Godefrido Ape viro ejusdem Leticie debuit fecisse racione quod ipse Willelmus ejus predecessor nunquam fuit, nec potuit esse, nec in aliquo Abbatem de Kirkestede vel aliquem de domo eadem ligare vel obligare, nec aliquod factum suum stabile facere signo suo proprio, racione quod ipse W. (non fuit perpetuus set) ad voluntatem Abbatis potuit amoveri, dicens se nullum habere predecessorem nisi suum Abbatem vel Priorem qui ipsum et domum de Kirkested' potuit ligare.

Et Leticia venit et petit judicium de dicto Ricardo celerario tanquam indefenso desicut ipsa narrando incopavit dictum Ricardum de personali facto de injusta detencione et deforciacione unius dim. m. de anno preterito et de dim. m. de anno presenti racione quod ipse Ricardus allegavit et defendit statum Abbatis sui et sui Prioris et non statum suum proprium.

Unde predictus Ricardus celerarius pro insufficienti responso satisfaciat predicte Leticie de predicta marca et
dim. m. per El'. de dampnis suis, et pro injusta detencione in misericordia vj. sol. viij. d. Solvit Elie.[1]

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[1] At a subsequent court Letice released the cellarer and his abbot in consideration of the surrender of the lease, which, as now appears, was made by indenture (*per cyrographum*).

The judgment seems to be due solely to a pleader's error in not sufficiently traversing the count; still the case shows a curious disregard of any line between breach of contract and delict. The cellarer is charged with breaking the peace by not paying a debt. Again, to raise another point, why was not this monk dead to the world? Did the exigencies of the Cistercian wool trade cause the courts merchant

half-mark for the present year against the peace of the lord and of his bailiffs to the damage and dishonour of the said Letice 40 s.; and she produces suit.

The said Richard the cellarer is present and defends by his pleader tort and force and any breach of the peace of the lord Abbot and his bailiffs and the damage and dishonour of the said Letice [to the amount of] 40 s., and craves judgment as to the count of the said Letice because, whereas the said Letice has charged him on the deed and contract of one William cellarer of Kirkstead his predecessor which, it is alleged, he made with Godfrey Ape husband of the said Letice, the said William was never his predecessor, nor could be, nor could in any wise bind or oblige the Abbot of Kirkstead or any member of that house, nor make any valid deed sealed with his own seal, for the said William was not [a] permanent [officer of the monastery] but could be removed at the will of the Abbot; and so the said Richard says that he has no predecessor capable of binding him and the house of Kirkstead save the Abbot or Prior.

And Letice comes and craves judgment of the said Richard the cellarer as of one undefended because she in her count charged the said Richard with a wrong done by him personally, namely, the unjust detention and deforcement of a half-mark for the past year and a half-mark for the present year, while the said Richard in his defence has made allegations about the legal position [1] of his Abbot and his Prior and not about his own legal position.

Therefore let the said Richard the cellarer for his insufficient answer make satisfaction to the said Letice for the said mark and for her damages and be in mercy for his unjust detention; fine, 6 s. 8 d.; he has paid it to Elias [the Hundredor].

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[1] It is difficult to find a word which will translate the *status* of the Latin text. Our *estate* has a curious history. Bracton could still use *status* in the Roman sense, and seldom, if ever, uses it in any other. But soon after his time it gradually began to imply and even to denote *proprietary* rights.

[1] Curia Ferie die Sabbati sequenti anno W. Abbatis viii°.

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Hugo de Swyneford queritur de Thoma de Torallo le Kanevacer, plegius de respondendo Hugo le Coynte. Et dictus Thomas venit et incopatus est et convictus quod per quendam Simonem le Blake de S. Edmundo vendidit canobum per falsam ulnam in selda sua cui Radulfus le Balauncer, Robertus de le Pole, et Johannes filius Thome de Porta associati sunt in eadem selda. Quare preceptum est quod omnia bona dicti Thome teneantur in manu donec per mercatores fiat inde judicium. Et bona aliorum sociorum suorum tradita sunt dominis Roberto de Meldeburn' et Philippo de Barton' ita quod de dictis bonis respondeant vel de xx. lib. Manucaptores Simonis le Blake, Johannes de S. Albano, Gilebertus de Douton', Willelmus de Bolton' et Elyas Hundredarius.

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Curia Ferie die Lune sequenti anno supradicto.

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De Bruno de S. Michaele pro auxilio habendo versus Robertum de Donewyz burgensem de Norwyc' ad debitum suum recuperandum j. m. et si debitum non recuperet in instantibus nundinis dabit iiij. s. Plegius de prosequendo Nicholaus Caperun. Et preceptum est quod dictus Robertus atachietur si inveniatur, sin autem distringatur tota communitas de Norwyc'. (Unde de communitate atachiati sunt Walterus le Troner et Reginaldus de Wreningham per ij. saccos lane, et Katerina de Norweye per j. pinnok' pannorum. Postea Katerina fuit relaxata.)

pre' est

j. m. vel iiij. s.

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to disregard the ordinary rules about civil death? Lastly, observe the unusually heavy amercement. Is the court of a Benedictine Abbot sorry when it catches a Cistercian in fault?

[1] m. 3 d. From the court held on the Friday no extracts are made.

Court on the next Saturday in the eighth year of Abbot William.

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Hugh Swinford complains of Thomas de Toraux the Canvasser; pledge for his answering, Hugh Coynte. And the said Thomas comes and is charged and convicted of having by [his servant] Simon Blake of Bury sold canvas by a false ell in his booth. And Ralph Balancer, Robert Pole, and John son of Thomas at Gate are associated with him in that booth. Therefore it is ordered that all the goods of the said Thomas be held in the hands [of the bailiffs?] until a judgment be pronounced by the merchants. And the goods of his said fellows are delivered to Sir Robert of Melbourne and Sir Philip of Barton so that they may answer for the said goods or for £20. Manucaptors of Simon Blake: John of S. Albans, Gilbert Douton, William Bolton, and Elias the Hundredor.

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Court of the Fair on the Monday next in the said year.[1]

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From Brun de S. Michel 13 s. 4 d. for having aid against Robert of Dunwich burgess of Norwich in recovering his debt, and if he do not recover it in the present fair, he will give 4 s. Pledge to prosecute, Nicholas Caperun, and it is ordered that the said Robert be attached if he be found, and if not that the whole commonalty of Norwich be distrained. (Of the said commonalty there are attached for this Walter Troner and Reginald of Wreningham by two sacks of wool, and Katherine of Norwich by one pinnock of cloths. Afterwards Katherine was released.)

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[1] 13 May.

Walterus Barun atornatus villate de Gravele[1] queritur de Rogero de S. Noto cementario. Plegius de prosequendo, Ger' West, pleg' def', corpus suum. (Postea concordati sunt ita quod dictus Rogerus prostrabit totum murum inter ecclesiam de Gravele et cancellum usque ad arcum lapideum et incipiet ad operandum ibidem die Lune post festum S. Dunstani et sic de die in diem continuabit operacionem suam quousque murus ille reedificetur competenter, et parochiani dabunt ei iij. s. ij. d. et de qualibet domo habebit j. garbam frumenti post autumpnum.)

Memdum

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Curia Ferie die Martis ante festum S. Dunstani anno eodem.

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Johannes de Rysseburk' clericus domine Regine per Ricardum de Touleslund' atornatum suum queritur de Roberto Russel et de Roberto Tord de Stanford' eo quod ubi ipse Johannes venit in feria Stanford' ultimo preterita die Jovis proxima post mediam quadragesimam anno eodem et emit de predictis Roberto Rossel et Roberto Tord unum equum pro xxiiij. s. nec ipsos denarios promptos habuit ad solvendum, unde convenit inter ipsum et predictos Robertum et Robertum quod traderet eis argentum dei et dimitteret eis nomine vadii duos equos quorum unus fuit de precio xx. s. et alius de precio ij. m. donec veniret et portaret eisdem predictos xxiiij. s., predicti Robertus Russel et Robertus Tord et alii duo socii *eorum* scil. Henricus de Coreby et Michael de Cantuaria qui modo sunt absentes, contra pacem domini et ballivorum dictos duos equos vendiderunt et elongaverunt et pecuniam pro eisdem receptam detinuerunt et deforciaverunt et garciónem ejusdem Johannis spoliaverunt de j. herigaldo bludi[2] precii

[1] Graveley is a small village in Cambridgeshire near St. Neot's. Would the capacity of this township to contract, to appoint an attorney, and to sue, have been admitted in the king's courts? I doubt it, but the legal idea of a corporation was yet in its infancy, and observe that the township is here acting qua parish bound, at least by religion, to keep its church in repair.

[2] For these words see Glossary.

Walter Baron attorney of the township of Graveley complains of Roger of S. Neots mason. Pledge for prosecution, Gerard West; defendant's pledge, his body. (Afterwards they make compromise on the terms that the said Roger shall pull down the whole of the wall between the church of Graveley and the chancel so far as the stone arch and shall begin work there on Monday next after the feast of S. Dunstan and go on working day by day until the said wall shall be built up again in a sufficient manner, and the parishioners will give him 3 s. 2 d. and from every house he shall have one garb of wheat after harvest.)

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Court of the Fair on the Tuesday before the feast of S. Dunstan in the same year.

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John of Risborough clerk of our lady the Queen by Richard of Toseland his attorney complains of Robert Russell and Robert Tord of Stamford, for that whereas he, John, came to the fair of Stamford last past on the Thursday after Mid Lent in this year and bought of the said Robert Russell and Robert Tord a horse for 24 s. and had not the said monies ready to hand, a covenant was made between him and the said Robert and Robert that he should deliver to them a God's penny and hand over to them by way of gage two horses of which one was of the price of 20 s. and the other of the price of 26 s. 8 d. until he should come and bring them the said 24 s., the said Robert Russell and Robert Tord and two fellows of theirs who are not now present, namely, Henry of Corby and Michael of Canterbury, against the peace of the lord and the bailiffs sold the said two horses and eloigned them and detained and deforced the monies arising therefrom, and plundered the page of the said John of a blue surcoat price 8 s. and

viij. s. et de vij. s. argenti in denariis ad dampnum et vituperium suum c. s. et ducit sectam.

Dicti Robertus Russel et alius Robertus presentes defendunt vim et injuriam et dampnum predicti Johannis c. s. et dedixerunt aperte et precise quod nunquam aliquem equum eidem Johanni vendiderunt in feria Stanford' nec aliquod contractum cum eodem fecerunt die quo ipse Johannes incopavit nec equos ejusdem Johannis vendiderunt, et de hoc prompti sunt facere quod curia considerat. Et sunt ad legem. Plegii utriusque de lege, Henricus Amphelys et Radulfus Cappe. Et postea dicti Robertus Russel et alius Robertus pecierunt ut statim in curia leges suas facere possent. Et Robertus Russel venit et incepit facere legem, scil. ipse et duo alii secum tantum et deficiebant de iij. hominibus. Et Robertus Tord optulit se similiter ad legem faciendam et deficiebat de lege sua omnino racione quod neminem habuit qui secum voluit facere legem. Iccirco per consideracionem curie dicti Robertus et Robertus satisfacient predicto Johanni de dampnis suis, et pro transgressione sunt ambo in misericordia. Finis Roberti Russel[1] plegius, corpus suum. Finis Roberti Tord[1] plegius, corpus suum.

Ad hoc etiam quod dictus J. de Rysseburk' dicit garcionem suum esse spoliatum de j. herigald' precii viij. s. et de vij. s. in denariis

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Johannes Aurifaber de S. Edmundo queritur de Odone de Thorp' et de Willelmo de Thorp' eo quod ubi idem Johannes venit die Cinerum ultimo preterito et emit de predictis Odone et Willelmo per quendam Simonem le Blake atornatum et mercatorem suum in eadem mercandis' xj^{xx}.
Lex pelles bydentium precii cujuslibet pellis viij. d. super quas pelles dederat eisdem argentum dei in arris pre manibus quas quidem pelles idem Johannes habuisse debuit die Lune sequenti vel ab eadem die Lune in viij. dies ad ultimum,

[1] Blank spaces are left.

of 7 s. silver in coin to his [John's] damage and dishonour 100 s.; and he produces suit.

The said Robert Russell and the other Robert are present and defend tort and force and the damage of the said John [to the amount of] 100 s. and they denied expressly and word by word that they ever sold any horse to the said John in Stamford fair or made any contract with him on the day mentioned in his allegation or sold the horses of the said John; and [to prove] this, they are ready to do what the court awards. And they are at their law. Pledges for the law of each of them, Henry Anphelys and Ralph Cappe. And afterwards the said Robert Russell and the other Robert prayed that they might at once make their law in court. And Robert Russell came and began to make his law, to wit, he and only two others with him so that they were short of three men. And Robert Tord offered himself likewise to make his law and failed altogether in his law for that he had no one who would make his law with him. Therefore by judgment of the court let the said Robert and Robert make satisfaction to the said John for his damages and both are in mercy for the trespass. Fine of Robert Russell[1] ; pledge, his body; fine of Robert Tord[1] ; pledge, his body.

And as to the assertion of John of Risborough that his page was plundered of a surcoat, price 8 s., and of 7 s. in coin[2]

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John Goldsmith of Bury complains of Odo of Thorpe and William of Thorpe, for that whereas the said John came on Ash Wednesday last and bought of the said Odo and William through one Simon Blake their attorney and chapman in the said business eleven score sheep skins at the price of 8 d. per skin, in respect of which skins he had given them a God's penny by way of earnest in hand paid, and which skins he, John, was to have had on the next Monday or within eight days after at the latest, and the said

[1] Blank spaces are left.

[2] Several lines are left blank, so that we do not know what was the result of this part of the case.

idem Johannes per atornatum suum bis pelles predictas quesivit et misit eisdem Odoni et Willelmo ut sibi pelles easdem mitterent, et ipsi hactenus nec de pellibus nec de pecunia ei respondere voluerunt set contra pacem domini et ballivorum omnino retinuerunt ad dampnum et vituperium suum xl. s. et ducit sectam.

Predicti Odo et Willelmus presentes defendunt totum de verbo ad verbum. Et sunt ad legem. Plegii Odonis de lege, Stephanus de Middelton' et Petrus de Stanford'. Plegii Willelmi de lege, Ordemarus de Thorp et Thomas Ordemere.

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Brunus de S. Michaele de Burdeus queritur de Waltero le Tronur et de Reginaldo de Wrenningham (de Norwic') paribus et participibus et communares [1] cuidam Roberto de Donewyc' (de Norwic') et Johanni filio suo, eo quod ipsi Walterus et Reginaldus pariter cum predictis Roberto et Johanni vi et injuste ei detinent et deforciant viij. libr. argenti de summa viij. lib. et x. s. quos eidem Bruno vel cuicunque de suis scriptum (obligatorium) inter ipsos confectum portanti solvisse debuerunt ad Nat. S. Joh. Bapt. anno gracie m°. cc°. lxx°. quarto pro vinis que idem Brunus vendidit predictis Roberto et Johanni in nundinis S. Botulphi die Veneris proxima ante festum S. Jacobi a. d. m°. cc°. lxx°. tercio, ad quam pecuniam perquirendam predictus Brunus (et sui) sepius apud S. Botulphum et apud Norwyc' laboraverunt nec aliquid hactenus de eadem pecunia habere potuerunt ad dampnum ejusdem Bruni c. s. et ducit sectam et scriptum.

Predicti Walterus et Reginaldus presentes defenderunt verba curie que sunt defendenda et allegaverunt primam districtionem.

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[1] *Sic.*

John by his attorney twice demanded the said skins and sent to the said Odo and William to request them to send the skins to him, they [the said Odo and William] have hitherto refused to answer to him for the skins or the money but against the peace of the lord and of the bailiffs have unconditionally retained them to his damage and dishonour 40 s.; and he produces suit.

The said Odo and William are present and defend all of it word by word. And they are at their law. Odo's pledges for the law, Stephen of Middleton and Peter of Stamford; William's pledges for the law, Ordmer of Thorpe and Thomas Ordmer.

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Brun de S. Michel of Bordeaux complains of Walter Troner and Reginald Wreningham of Norwich the peers, parceners and commoners of one Robert Dunwich of Norwich and John his son, for that the said Walter and Reginald along with the said Robert and John by force and unjustly detain and deforce from him £8 of silver out of a sum of £8 10 s. which they were bound to pay to the said Brun or any on his behalf bearing a certain obligatory writing made between them on Midsummer Day A.D. 1274 for wines which the said Brun had sold to the said Robert and John in the fair of Boston on the Friday before the feast of S. James A.D. 1273, to obtain which money the said Brun and his representatives have often laboured at Boston and at Norwich and as yet have not been able to get any part thereof, to the damage of the said Brun 100 s.; and he produces suit and [the said] writing.

The said William and Reginald were present, and have defended the words of court which were to be defended, and have alleged a first distress.

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[1] **Curia Ferie die Mercurii ante festum S. Dunstani anno domini W. Abbatis viij°.**

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Odo de Thorp et Willelmus de Thorp venerunt et fecerunt sufficienter legem Johanni Aurifabro de S. Albano.[2] Ideo quieti recesserunt, et predictus J. pro falso clamore in
xij. d. misericordia xij. d., plegius Godefridus de Len'.

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[3] Omnes mercatores de tot communitatibus quot sunt
Sum' in nundinis S. Yvonis summoniantur quod sint in crastinum coram senescallo ad considerandum et videndum quod Thomas de Torallo, Radulfus le Balauncer, Robertus de la Pole, et Johannes filius Thome de Porta mercatores canobum vendentes habeant justiciam et equitatem super eo quod Simon le Blake de S. Edmundo serviens dicti Thome et sociorum suorum inventus fuit in selda eorum ulnando canobum et vendendo per falsam ulnam. Pleg' Thom' ven' omnia bona sua. Pleg' dictorum trium ven', dominus Ricardus de Meldeburn' scil. de valore xx. librarum.

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Johannes de Bestone de Notingham queritur de Gileberto de Castreton' de Stanford' eo quod die Ascenscionis Domini a. r. R. Edw. primo fecit ipsum Johannem attachiari et arestari de vij. saccis lane per falsam suggestionem suam in villa de Graham, dicens ipsum Johannem esse de communitate Notingham par et particeps[4] Radulfi de Beston' de Notingham et Roberti le Ber de eadem penes quos dictus G. quamdam summam pecunie exigebat, per quam districtionem ibi factam predictus J. perdidit in marcandisa sua ibidem et alibi valorem x. lib., et postea idem G. die Sabbati proxima ante Nat. B. Marie ultimo preterita fecit dictum Johannem suggestione consimili et pro predictis Radulfo et Roberto distringi in villa de Huntedon' injuste et sine causa, desicut idem Johannes prius apud

[1] m. 4. [2] See above, p. 151, where he is called *de S. Edmundo*.
[3] For earlier proceedings, see above, p. 149. [4] *Sic.*

Court of the Fair on Wednesday before the feast of S. Dunstan in the eighth year of Abbot William.

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Odo of Thorpe and William of Thorpe came and sufficiently made their law against John Goldsmith of S. Albans. Therefore they retired quit and the said John is in mercy for the false claim; fine, 12 d.; pledge, Godfrey of Lynn.

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Let all the merchants of all the commonalties that are in the fair of S. Ives be summoned to come to-morrow before the steward to adjudge and provide that Thomas de Toraux, Ralph Balancer, Robert Pole, and John son of Thomas at Gate, merchants selling canvas, have justice and equity in the matter of Simon Blake of Bury servant of the said Thomas and his fellows who was found in their booth measuring canvas with a false ell and selling it. Pledge for Thomas's appearance, all his goods. Pledge for the other three, Sir Richard Melbourne to the amount of £20.

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John Beeston of Nottingham complains of Gilbert Chesterton of Stamford for that on Ascension Day in the first year of King Edward [A.D. 1273] he by a false suggestion caused him to be attached and arrested by seven sacks of wool in the vill of Graffham saying that he, John, was of the commonalty of Nottingham peer and parcener of Ralph Beeston of Nottingham and Robert Bere of the same place, from whom the said Gilbert was demanding a certain sum of money, by reason of which distress there made the said John lost in his trade there and elsewhere the sum of £10, and afterwards the said Gilbert on Saturday next before the Nativity of S. Mary last past by a similar suggestion caused the said John to be distrained for the said Ralph and Robert in the vill of Huntingdon unjustly and without cause, whereas the said John had

Graham sufficienter probavit coram ballivis ubi atachiatus fuit per predictum Gilebertum quod par nec particeps fuit predictis Radulfo de Beston et Roberto le Ber, et dictus G. obligavit se per plegios apud Hunt' ad solvendum dicto Johanni x. lib. argenti si probaverit (apud Graham) quod de communitate dictorum Radulfi et Roberti non extiterit. Propter quod idem Johannes accessit incontinenti apud Graham et tulit literam patentem de ballivis quod sufficienter probavit coram eis quod par nec particeps dictorum Roberti et Radulfi non fuit. Quare idem Johannes dicit dictum G. hactenus esse deforciatorem et detentorem dictarum x. libr. ad dampnum suum c. s., et ducit sectam.

Dictus Gilebertus presens defendit (pacem domini infractam et) vim et injuriam et dampnum predicti Johannis x. lib. et. c. s. et contractum x. lib. contra ipsum et sectam suam de verbo ad verbum. Et est ad legem. Plegii de lege, Johannes de Snetesham et Willelmus Briselaunce.

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Curia Ferie die Jovis proxima sequenti anno supradicto.

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Quia Simon le Blake de S. Edmundo inventus fuit per ballivos ferie ulnando canobum in selda Thome de Torallo, Radulfi le Balauncer, Roberti de la Pole, et Johannis filii Thome de Porta per falsam ulnam contra assisam regni, incopati fuerunt tam mercatores predicti quam predictus Simon tanquam iniquitati predicte consencientes, unde dictus Thomas et socii sui superius nominati optulerunt se verificare sive per inquisicionem mercatorum et aliorum sive

before this at Graffham sufficiently proved before the bailiffs when he was attached by the said Gilbert that he was not peer nor parcener of the said Ralph Beeston and Robert Bere, and at Huntingdon the said Gilbert bound himself by pledges to pay the said John £10 of silver in case it were proved true[1] that he, John, had proved at Graffham that he had not been in community with the said Ralph and Robert; and thereupon the said John immediately went to Graffham and brought thence a letter patent of the bailiffs [of that place stating] that he had sufficiently proved in their presence that he was not peer or parcener of the said Robert and Ralph; and therefore the said John says that the said Gilbert is still a deforceor and detainor of the said £10 to his damage 100 s. and he produces suit.

The said Gilbert is present and defends against the said John and his suit the breach of the lord's peace and tort and force and the damage of the said John [to the amount of] £10 and 100 s. and the contract for £10 word by word. And he is at his law. Pledges for his law, John of Snettisham and William Breakspear.[2]

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Court of the Fair on the next Thursday in the said year.

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[3] For that Simon Blake of Bury was found by the bailiffs of the fair measuring canvas in the booth of Thomas de Toraux, Ralph Balancer, Robert Pole and John son of Thomas at Gate with a false ell against the assize of the realm, the said merchants as well as the said Simon were accused as consenting to the said iniquity, and the said Thomas and his fellows named above have offered to prove either by an inquest of merchants and others or by their

[1] The allegation is that at Huntingdon the parties entered into a wager as to what had happened on a previous occasion at Graffham. The place called Graham is, I take it, Graffham, a village in Huntingdonshire.

[2] He makes his law at the next court successfully.

[3] For earlier proceedings, see above, pp. 149, 153.

per legem vel quocunque alio modo curia consideraverit quod non sunt inde culpabiles. Et quia predictus Simon in plena curia recognovit quod de eadem falsa ulna canobum ulnavit et quod ulnam illam fregit et abscondidit quamcicius ballivi eam perceperunt esse contra assisam, preceptum fuit arestare corpus suum. Et postea ad instanciam mercatorum traditus fuit dictus Simon manucaptoribus subscriptis viz. Willelmo de Boltone, Ranulpho de Friskele, Johanni de Stanford' et Johanni de S. Botulpho ut de corpore dicti Simonis respondeant in crastinum. Et predicti mercatores dant domino pro favore et deporto [1] xl. s., pl' Rob' de Meldeburne per H. Swynef'.

manucaptor'

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Thomas de Couentre conquerens optulit se versus Willelmum de Fletebrige et Amiciam [2] ejus incopando ipsos quod ipsi communitatem Leycestr' falsa suggestione in instantibus nundinis vexaverunt et amittere fecerunt lv. sol. ij. d. ob. tanquam pares et communares dicti Thome ad dampnum suum non modicum. Dicti Willelmus et Amicia presentes non defenderunt verba curie nec voluerunt respondere racione quod sint de communitate Lond' ut dicunt.

loq. cum Abbate

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Willelmus de Bolton queritur de Johanne Aurifabro de S. Albano eo quod ubi idem J. venit in curia ista in instantibus nundinis et suplicavit eidem Willelmo ut esset de consilio et in auxilium cujusdam Simonis le Blake de S. Edmundo quem ballivi ferie istius invenerunt ulnantem cum una falsa virga qui quidem Simon dixit in plena curia se recepisse dictam virgam per manus et per balliam cujusdam Thome de Torallo mercatoris de Rotomago quem inde traxit in warrantum, idem Willelmus ad instanciam dicti Johannis et pro iiij. s. argenti manucepit (secundum

[1] For this word, see Glossary. [2] Supply *uxorem.*

law or in any other way as the court shall consider that they are not guilty thereof. And for that the said Simon confessed in full court that he measured canvas with the said false ell and that he broke and hid the said ell so soon as the bailiffs perceived it was against the assize, it was ordered that his body be arrested. And afterwards at the instance of the merchants the said Simon was delivered to the following manucaptors, to wit, William of Bolton, Randolph of Friskely, John of Stamford, and John of Boston that they might answer for his body on the morrow. And the said merchants give 40 s. to the lord for his grace and favour: pledge, Robert of Melbourne by Henry Swinford [his attorney].

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Thomas of Coventry plaintiff appeared against William of Fleetbridge and Amice his [wife] charging them with having brought a false accusation[1] in the present fair against the commonalty of Leicester and caused them [the commonalty] to lose 55 s. $2\frac{1}{2}$ d. as being the peers and commoners of the said Thomas to his [?] no small damage. The said William and Amice were present and did not defend the words of court and would not answer on the ground that they are, so they say, of the commonalty of London.[2] (Reserved for the Abbot's hearing.)

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William of Bolton complains of John Goldsmith of S. Albans, for that whereas the said John came into this court during the present fair and prayed the said William to be of counsel and aid for Simon Blake of Bury whom the bailiffs of this fair had found measuring with a false rod and the said Simon Blake confessed in full court that he received the said rod by the hands and bailment of one Thomas de Toraux merchant of Rouen whom he thereof vouched to warranty, and the said William at the instance of the said John and for 4 s. of silver undertook to defend

[1] For the earlier proceedings, see above, p. 145.

[2] Citizens of London have the privilege of being sued only in their own courts.

posse suum) defendere statum predicti Simonis ne de suo corpore haberet vituperium et periculum, ita tamen quod idem S. se non subtraheret de querela sua quin sectam faceret penes predictum Thomam de Torallo, venit dictus J. de S. Albano et injuste detinet et deforciat ei (Willelmo) dictos iiij. s. et per incitamentum suum fecit dictum S. se subtrahere versus mercatorem predictum penes quem dictus W. habuisse credidit maximam summam pecunie, ad dampnum suum x. m. et ducit sectam.

Predictus Johannes presens fuit, non defendit verba curie, set dixit precise quod non debuit nec voluit in ista curia respondere racione quod est de communitate London' ut dicit (quod quidem testificatum fuit per Ricardum de Meldeburne, Walterum le Poter, Anquitinum le Mercer qui quidem A. ipsum extra cur' tanquam j. de communitate . . . .[1]). Et dictus Willelmus petit judicium de eo tanquam de indefenso.

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[2] Johannes de Lamehethe queritur de Ricardo de Graham eo quod ubi idem Johannes fuit in selda sua in ultimis nundinis Stanf' die Mercurii proxima post clausum Pasche anno eodem venit dictus Ricardus et fecit pactum cum eodem Johanne ad comorandum in suo servicio per annum sequentem pro x. sol. argenti, per quod pactum dictus Ricardus venit et stetit cum eodem Johanne usque diem Lune proximam ante festum S. Dunstani proximo sequentem, ad quem diem dictus Ricardus ipsum Johannem refutavit, et extra servicium suum in villa S. Ivonis reliquid,[3] et species ut de gingibere, cetewaud'[4] et de aliis minutis speciebus ad valenciam ix. sol. quas dictus Johannes usque ad seldam predicti Ricardi secum portaverat contra pacem domini et ballivorum suorum injuste detinuit et

[1] This passage is interpolated in the margin, which now is damaged.
[2] m. 4 d. [3] *Sic.* [4] See Glossary.

to the best of his power the estate of the said Simon that he might have no bodily shame or peril, but on the terms that the said Simon was not to withdraw himself from the plaint but was to press his suit against the said Thomas de Toraux, comes the said John of S. Albans and unjustly detains and deforces from him, William, the said 4 s. and by his incitement caused the said Simon to withdraw himself from his [voucher of] the said merchant [of Rouen], out of whom the said William had hoped to get a very large sum of money,[1] to his [William's] damage 10 marks; and he produces suit.

The said John was present and did not defend the words of court, but said in so many words that he ought not to and would not answer in this court for that he is of the commonalty of London, so he says, and this is testified by Richard of Melbourne, Walter Poter, and Anketin Mercer, which said Anketin outside the court has . . . . . . as one of the commonalty. And the said William craves judgment of him as of one undefended.

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John of Lambeth complains of Richard of Graffham, for that whereas the said John was in his booth in the last fair at Stamford on the Wednesday next after the close of Easter in this year, came the said Richard and made a bargain with the said John to remain in his service for the next year for 10 s. of silver, by reason of which bargain the said Richard came and was with the said John until the Monday before the feast of S. Dunstan next following,[2] on which day the said Richard repudiated the said John and left his service in the vill of S. Ives and against the peace of the lord and of his bailiffs detained spices to the value of 9 s. which the said John had brought with him to the booth of the said Richard, to wit, ginger, zedoary, and

[1] The sense of *penes quem habuisse etc.* is not very clear. But it would seem that not only does a professional advocate sue for his fees, but he makes it a ground of complaint against his employer that he has been debarred from getting money out of the other side:—no one seems to be surprised at this.

[2] That is to say, until Monday last.

adhuc detinet et deforciat ad dampnum predicti Johannis
Lex dim. m. et ducit sectam.

Dictus Ricardus presens defendit vim et injuriam et pacem domini Abbatis et ballivorum suorum infractam et dampnum et vituperium predicti Johannis dim. m. contra predictum Johannem de Lamehethe et sectam suam de verbo ad verbum. Et est ad legem. Plegii de lege Willelmus de Aswell' et Ricardus de Belvero. De contracto inter ipsos confecto per convencionem (ut dictus Johannes dicit) noluit predictus Ricardus dedicere nec potuit, set dixit quod non remansit in ipsum quod dictus Johannes[1] recessit ab eo. Iccirco consideratum est quod idem Johannes[2] predicto Ricardo[3] serviat usque ad finem termini sui si velit, et si idem Johannes predictos ix. sol. pro speciebus supradictis versus predictum Ricardum velit recuperare, attachiet ipsum ad prosequendum jus suum per novum attachiamentum.

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Curia Ferie die Sabbati proxima ante festum S. Dunstani anno W. Abbatis viii°.

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Memd. Memorandum quod de xx. sol. et ij. d. traditis Gatte Ape tanquam in equa manu in ultimis nundinis S. Ivonis de carbone vendito et atachiato per querelam Nicholai de Thir*n*inge super communitate de Wygenhale, soluti sunt in instantibus nundinis cuidam Ade Selide de Wygenhale per manum relicte Gatte Ape vj. sol. et ij. den. in presencia S. de Sythyngedon tunc senescallo ferie, et domino Abbate iiij.
iiij. s. sol. de fine dicti Ade pro auxilio habendo, et residuum recipiet dictus Adam ad festum S. Laurencii a. r. r. Edw. tercio. Et predictus Adam invenit plegios scil. Hugonem Brungere et Symonem Kenstan de Wygenhale ad respondendum de pecunia supradicta ballivis ferie si contigerit dictum

[1] Corr. *Ricardus*. The clerk seems to have transposed the names of the parties.
[2] Corr. *Ricardus*. [3] Corr. *Johanni*

other retail spices and still detains and deforces them to the damage of the said John, 6 s. 8 d.; and he produces suit.

The said Richard is present and defends against the said John and his suit tort and force and any breach of the peace of the lord abbot and his bailiffs and the damage and dishonour of the said John [to the amount of] 6 s. 8 d. word by word. And he is at his law. Pledges for his law, William of Ashwell and Richard of Belvoir. And as to the contract made between them by covenant, as the said John alleges, the said Richard was neither willing nor able to deny it, but said that it did not rest with him that he [the said Richard] left the service [of the said John]. Therefore, it is considered that the said [Richard] do serve the said [John] to the end of the term [of service] if he so please and that if the said John desires to recover against the said Richard the said 9 s. for spices, let him attach Richard afresh and prosecute his right against him.[1]

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Court of the Fair on Saturday next before the feast of S. Dunstan in the eighth year of Abbot William.

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Be it remembered that of the 20 s. 2 d. delivered in the last fair of S. Ives to Gatte Ape to be held in equal hand being the price of charcoal sold and attached on the plaint of Nicholas of Thirning against the commonalty of Wiggenhall, there were paid in the present fair 6 s. 2 d. to one Adam Selide of Wiggenhall by the hands of the widow of Gatte Ape in the presence of S. of Shitlington the then steward of the fair and 4 s. to the lord Abbot for the fine of the said Adam for [having the Abbot's] aid, and the residue the said Adam shall receive at the feast of S. Laurence [10 Aug.] in the third year of King Edward. And the said Adam found pledges, to wit, Hugh Brunger and Simon Kenstan of Wiggenhall to answer for the said money to the bailiffs of the fair if it shall chance that the

[1] At the next court Richard makes his law.

Nicholaum vel aliquem de suis illam pecuniam decetero exigere versus [1] summam l. sol. ix. den. et ob. cum dampnis suis xl. sol. in quibus Adam de Thir*n*inge par et particeps dicti Ade Selide predicto Nicholao tenebatur.

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Bartholomeus Aurifaber et Galfridus de Cheldedewe fuerunt plegii Johannis Aurifabri de S. Albano ad respondendum Willelmo de Boltone. Et dictus Johannes fuit incopatus die Veneris precedenti et noluit adversario suo respondere nec stare recto in curia set in contemptu Abbatis et ballivorum suorum recessit a curia. Ideo distr'.

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Curia Ferie die Lune proxima post festum S. Dunstani anno W. Abbatis viii°.

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Ricardus de Ely queritur de Alicia le Cres eo quod vi et injuste ei detinet et deforciat ij. sol., et ideo injuste quod ubi eadem Alicia venit ad predictum Ricardum ad domum Radulfi Aspelon in villa S. Yvonis die Sabbati ultimo preterito fuerunt viij. dies elapsi et emit de eodem Ricardo panem scil. wastellos, simenellos, et alium panem ad valenciam ij. sol. quos quidem den. dicta Alicia debuit solvisse eidem Ricardo die eadem et nondum solvit set contra pacem domini et ballivorum suorum huc usque retinuit ad dampnum predicti Ricardi ij. sol. et ducit sectam.

Predicta Alicia venit et defendit verba curie et dampnum predicti Ricardi ij. sol. et dicit quod noluit nec potuit dedicere quin panem ad valenciam ij. sol. de predicto Ricardo emerat die illo quo dictus Ricardus dixit in incopamento suo et bene recognovit predictum debitum, set quod idem Ricardus dedit eidem Alicie respectum de solucione

[1] Supply *eos* or *ballivos*.

said Nicholas [of Thirning] or anyone on his behalf shall hereafter demand against them [the bailiffs] the sum of 50 s. 9½ d. and damages 40 s. in which Adam of Thirning peer and parcener of the said Adam Selide was bound to the said Nicholas.[1]

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Bartholomew Goldsmith and Geoffrey of Childew were pledges of John Goldsmith of S. Albans to answer William of Bolton.[2] And the said John was declared against on Friday last and would not answer his adversary nor stand to right in court but withdrew from the court in contempt of the Abbot and his bailiffs. Therefore be they distrained.

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Court of the Fair on Monday [20 May] next after the feast of S. Dunstan in the eighth year of Abbot William.

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Richard of Ely complains of Alice Crese, for that by force and unjustly she detains and deforces from him 2 s., and unjustly because whereas the said Alice came to the said Richard to the house of Ralph Aspelon in the vill of S. Ives on Saturday last but one and bought of the said Richard bread, to wit, wastel and simnel and other bread to the value of 2 s. which sum she was to pay the said Richard on the said day, she has not yet paid it, but against the peace of the lord and his bailiffs has still retained it, to the damage of the said Richard 2 s.; and he produces suit.

The said Alice comes and defends the words of court and the damage of the said Richard [to the amount of] 2 s. and says that she will not and cannot deny that she bought bread of the said Richard to the value of 2 s. on the day mentioned by Richard in his declaration, and she fully admits the said debt, but the said Richard gave her a

[1] On a previous occasion the community of Wiggenhall was attached to answer for a debt owed by one of its members and had to deposit a sum of money in the hands of a stakeholder. Part of this sum is now paid out to a member of the community on his giving security to refund it should the creditor's claim be pressed.

[2] See above, p. 155.

pecunie supradicte facienda usque ad *hunc* diem Sabbati proximo futurum, prompta est facere quod curia consideraverit. Et est ad legem. Plegii legis Ricardus filius Wiscardi et Gilebertus de Denton'.

Lex

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Curia Ferie die Martis proxima sequenti anno W. Abbatis viii°.

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Johannes de Beston' de Notingham optulit se versus Johannem de Warington' de Stamford', Ricardum de Boudon', Johannem de Rippes et alium Johannem de Rippes, Godefridum de Roynham, Eustachium de Stanford', Galfridum le Mercer, Walterum le Mercer, Willelmum Briselaunce et Philippum Clericum pares et communares Gileberti de Castreton' qui quidem burgenses et mercatores allegarunt primam districtionem die Sabbati ultimo preterito et habuerunt diem usque diem hodiernum et nullus eorum venit. Ideo consideratum est quod secundo distringantur.

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Willelmus de Bolton' queritur de Johanne de Rydone et de sociis suis pistoribus superius nominatis eo quod ipse pariter cum aliis injuste ei detinent et deforciant x. sol. quos quidam Walterus de Coventre pistor nomine ipsius Johannis et aliorum pistorum sibi Willelmo et tribus sociis suis narratoribus promiserat dominica proxima ante festum S. Dunstani a. r. r. Edw. iij°. in prioratu S. Ivonis ante hostium aule hospicii ita quod ipse Willelmus et socii sui essent in auxilio eidem Johanni et sociis suis pistoribus et non gravarent ipsos penes ballivos ferie ponderantes panes eorum, quos quidem x. sol. contra pacem domini Abbatis et ballivorum ferie detinuerunt ad dampnum predicti Willelmi et sociorum suorum narratorum dim. m. et duc' sectam.

Predictus Johannes de Rydone presens non defendit verba curie que sunt defendenda, quare dictus Willelmus

respite for payment until the next Saturday, and [to prove this] she is willing to do what the court shall award. And she is at her law. Pledges for her law, Richard Wiscard's son, Gilbert of Denton.

* * * * * * *

Court of the Fair on the next Tuesday in the eighth year of Abbot William.

* * * * * * *

John Beeston of Nottingham appeared against John Warrington of Stamford, Richard Bowdon, John Rippes, a second John Rippes, Godfrey Roynham, Eustace of Stamford, Geoffrey Mercer, Walter Mercer, William Breakspear and Philip Clerk peers and commoners of Gilbert Chesterton. And the said burgesses and merchants on Saturday last alleged a first distress and had a day given them on the present day. And none of them comes. Therefore it is considered that they be distrained a second time.

* * * * * * *

William of Bolton complains of John of Rydon and of his fellow bakers named above, for that along with others they unjustly detain and deforce from him 10 s., which one Walter of Coventry baker in the name of the said John and the other bakers on Sunday next before the feast of S. Dunstan in the third year of King Edward in the Priory of S. Ives before the gate of the hall of the hospice had promised to the said William and three fellow countors of his [1] for aiding the said John and his fellow bakers and for not vexing them before the bailiffs of the fair when those bailiffs should be weighing their bread, which said 10 s. against the peace of the lord Abbot and the bailiffs of the fair they have detained to the damage 6 s. 8 d. of the said William and of his fellow countors ; and he produces suit.

The said John of Rydon is present and does not defend the words of court which ought to be defended. Therefore

[1] The *narratores* are 'countors,' i.e. pleaders, advocates ; they seem to do business in partnership.

petit judicium de eo tanquam de indefenso et ponatur in respectum usque in crastinum.

* * * * * * *

Curia die Mercurii proximo sequenti scil. Vigilia Ascenscionis Domini anno W. Abbatis viii°.

* * * * * * *

Alicia le Cres non potuit facere legem Ricardo de Ely. Ideo satisfaciat ei de ij. sol. et dampnis suis et pro transgressione in misericordia, plegius corpus suum. mīā

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Curia Ferie die Veneris proxima post festum S. Dunstani.

[1] * * * * * * *

Willelmus de Bolton' venit et peciit judicium de incopamento suo quod die Martis precedenti narravit versum Johannem de Rydone pistorem de responsione predicti Johannis. Et curia dicit quod idem Johannes ad incopamentum predicti Willelmi insufficienter respondit predicto die Martis quando fuit incopatus nec defendit verba curie que fuerunt defendenda. Iccirco consideratum est quod satisfaciat predicto Willelmo per ij. sol. vj. den. pro dampnis suis per taxacionem curie, quos quidem denarios dictus Willelmus dat domino Abbati pro supradicto amerciamento suo,[2] ex quibus Frater L. relax' vj. den. Et predictus Johannes pro transgressione in misericordia, plegii Thomas de London' et Walterus de Coventre.[3] mīā

* * * * * * *

[1] Among the matters omitted are two actions for assault. In the first the defendant 'non defendit verba curie que sunt defendenda,' is cast in damages and amerced. In the second the defendant defends all and wages and makes his law.

[2] William has just been amerced for making a similar claim against other bakers, who successfully make their law against him.

[3] The court sits on the next Saturday and Sunday, the 25th and 26th of May, but the fair seems pretty well over.

the said William prays judgment of him as of one undefended. The case is respited until to-morrow.

* * * * * * *

Court on Wednesday next to wit, the Vigil of the Ascension in the eighth year of Abbot William.

* * * * * * *

[1] Alice Crese was unable to make her law to Richard of Ely. Therefore let her make satisfaction to him with 2 s. and for his damage, and be in mercy for her trespass; pledge, her body.

* * * * * * *

Court of the Fair on the Friday next after the feast of S. Dunstan.

* * * * * * *

William of Bolton came and prayed judgment on the count which on last Tuesday [2] he counted against John of Rydon baker, and on the answer of the said John. And the court says that on the said Tuesday when the count was counted the said John made an insufficient answer thereto and did not defend the words of court which ought to be defended. Therefore it is considered that he make satisfaction to the said William with 2 s. 6 d. for his damages as taxed by the court; and the said William gives the money to the lord Abbot in respect of an amercement [incurred by him in another cause] and Brother L. [on the Abbot's behalf] releases 6 d. And let the said John be in mercy for his trespass; pledges, Thomas of London and Walter of Coventry.

[1] See above, p. 158. [2] See above, p. 159.

VI. COURT OF THE ABBOT OF BATTLE'S MANOR OF BRIGHTWALTHAM.

INTRODUCTORY NOTE.

THE roll now to be used is in the Record Office (Augmentation Office Court Rolls, Portf. 5, No. 20), a roll of many membranes. Our extracts are taken from the unusually long membrane.

The village of Brightwaltham—for into this a name which should certainly end in 'ton,' and which lately was or even yet is pronounced as Brickleton, has been corrupted—lies in Berkshire a few miles south of the Ridgeway. Already when Domesday Book (i. 59 b) was being made the Abbot of Battle held it in chief of the king, and had there 10 villani, 13 bordarii and 3 servi. One reason for making extracts from its rolls is that a full 'extent' of even date with our extracts is found in the Custumal of Battle Abbey edited for the Camden Society by Mr. Scargill-Bird (p. 58). In 1284 the core of the manor consisted of 10 virgate tenements and 17 half-virgate tenements; these figures recall those of 1086; but some land had been assarted and was held as 'gavel-land' partly by the virgaters and half-virgaters and partly by others. But the tenants of all these tenements were reckoned to be personally unfree:—the abbot can oblige any of them to serve as reeve, 'for all of them are his villans and of servile estate, and they cannot marry son or daughter outside the lord's franchise or sell ox or mare.' There seem to have been about six freehold tenements, including the parson's, but three of these seem to have been held by villans.

The proceedings chronicled on our roll are those partly of the manorial court of Brightwaltham, partly of the view of frankpledge held twice a year at Brightwaltham, for Brightwaltham, Hartley and Conholt. This Hartley was in Berkshire and I take it to be the Hartley near Reading, at least fifteen miles from Brightwaltham. Conholt lies on the boundary between Hampshire and Wiltshire and its men must have had to go about the same distance for their view of frank-pledge. But the abbot had only six tenants or thereabouts at Hartley and the labour services at Conholt had

been commuted for an increased rent; so it may not have been worth while to hold courts at these places; suits about land at Conholt were, as we shall see, entertained by the court at Brightwaltham.

At the views of frank-pledge the presentments are said to be made by the tithingman with his tithing. It will be remembered that we are now in the land of 'the territorial tithing.' In addition to our other illustrations of the procedure the following from the year 1290 may be given:—'The tithingman of Brightwaltham with his tithing presents . . . That the hue was raised between Robert Cute and Thomas Bagge on account of a certain trespass with which Robert charges Thomas, for [Robert] says that [Thomas] assaulted and beat and ill-treated him against the peace etc. and Thomas says that he is not guilty and prays that this be inquired by the whole tithing. And the said tithingman with his whole tithing presents that [Thomas] did [Robert] no harm save that there being a dispute between them he shoved him down off a log, but [Robert] had no call to raise the hue for this. Therefore the said Robert is in mercy, and since it is found that Thomas did lay hands on [Robert], therefore Thomas also is in mercy. Also [they] present that Agnes Edrian raised the hue against John Parlefrens for a trespass done against her and the said John confessed that he did lay hands on her; therefore be he in mercy; but they say that he was provoked to this, for they say that he found her by night standing on his wall spying out what he was doing privately in his house, besides she abused him with contumelious words charging him with divers crimes; and this is clearly against the peace, therefore be she in mercy. Also they present that the bounds between the demesne lands of the lord [Abbot of Battle] and the lands of the tenants of the Abbot of Abingdon have been removed by the tenants at Farnborough of the said Abbot [of Abingdon] and the king's highway has been straitened: therefore let the said tenants of Farnborough be attached. . . . Also they present that Ellen widow of Walter Hayward is convicted of adultery. And it is the custom of this manor that if a widow be taken in adultery, her land is seized into the lord's hand as forfeited. Also they present that Henry Nywe and Ellen widow of Walter Hayward are impleaded in court christian [for adultery] and make fine out of the chattels of the lord that they need not do the penance enjoined them,[1] there-

[1] They obtain an immunity from penance by means of chattels which, they being villans, are in strictness of law the chattels of their lord.

fore it is commanded that thenceforth they make no such fine and be in mercy.' Such entries as these will show to what very miscellaneous purposes the procedure by way of presentment could be put.

Among the curiosities contained in the roll is a letter in French which shows us that when the manorial court had done its work there still remained a reserve of justice—or shall we say of equity?—in the lord. The names neither of its writer nor of its receiver are given, but evidently it was addressed by the abbot to his steward. It begins thus—'Saluz. Sachez ke Felice de Brithwalton' se ad pleint a nus ke une enqueste fu prise devaunt Aumary et vus entre ly et le fiz Willem Folke, en la quele enquete ele ne se mit unkes.' So the recipient of the letter and Aumary are to take another inquest, 'e rendre a chescun ce ke le sen est hastivement saunz delay issi ke mes pleint nen oium. A deu.' The king's example made itself felt; the 'ne amplius inde clamorem audiamus' is quite in the royal manner.

But the main interest of our extracts will probably be found in entries which bring out in an unusually forcible manner the communal organisation of the villans. The villans of Brightwaltham, men who were reckoned as personally unfree, nevertheless constituted a 'communitas' which held land, which was capable of receiving a grant of land, which could contract with the lord, which could make exchange with the lord. To the lawyers of Westminster such transactions would probably have seemed highly irregular:—they would have been ready with the dilemma, either the pact has no validity, or it amounts to an enfranchisement of the villans. Such we may be sure was not the view of it taken at Brightwaltham or at Battle. The king's courts have declined to protect the lands or the goods of the villan against his lord; their protection even of his person is by no means perfect; but still by law even against his lord he has lands, he has goods:—every judgment of the manorial court which directs a seizure of his lands as forfeited or an amercement for an offence proves this. The modern analyst may insist that 'the custom of the manor' is not 'law' but mere 'positive morality'; but let him admit that it is positive morality conceived as law and little is left to quarrel over save words.

The more we see of the manorial rolls of this period the less willing shall we be to admit the assumption that the manorial courts were as a matter of fact organised in one way for matters affecting free men or freeholders and in another way

for matters affecting unfree men or men with villan tenements. Of course we can see that the line between freehold and non-freehold had to be observed; a steward might have to lament that the negligence of his predecessor had allowed land of servile condition to be treated as though it were free. (See the curious letter from the steward on p. 166.) And so as to personal status:—the villans of Brightwaltham were very unwilling that one of their number should set himself up for a free man on the ground of his holding a freehold acre. (See below, p. 169.) But in court freemen and bondmen, freeholders and customary tenants appear side by side. The parson is a freeholder, but he has appeared in a court full of villans. When he is amerced for a trespass, he finds as his pledges one freeholder and seven villans. Indeed so overwhelming is the villan element in this court that the parson gets casually spoken of as a villan—'Robertus Arthur rector ecclesie qui tenetur inter ceteros villanos domini ad magnam precariam' (m. 1). Of any such institution as a 'court baron' distinct from a 'customary court' we see nothing. This may already seem very unprincipled to the lawyers, and we shall see (p. 173) that our parson is contumacious and contemns the court; nevertheless he has appeared in it and waged his law there.

[CURIA ABBATIS DE BELLO APUD BRIGHTWALTONAM.]

Lacheday. Curia de Brightwalton' tenta die Lune proxima post festum Ascencionis Domini anno regni Regis Edwardi xxi°.

[1] * * * * * * *

Couenholt xij. d. — Dicenar' de Coueneholte cum tota dicena presentant omnia bene esse preter quod Willelmus de Mescumb' abstuppavit quamdam . . . injuste, ideo in misericordia. mīa xij. d. — Item dicunt quod Editha de Hupton' prostravit arbores in defenso et seysina domini contra inhibicionem et dicunt quod nichil [2] et quod fugiebat in extraneis partibus.

Adam Scot factus est dicenarius et juratus ad officium fideliter faciendum.

(b) [3] Johannes filius Hugonis Poleyn ingressus est terram quam Ranulphus le Taillur tenuit salvo jure cujuscumque et dat pro ingressu iiij. m. et solvet ad festum S. Michaelis anno regni Regis E. xx. secundo j. m. et ad festum Natale Domini proximo sequens j. m. et ad festum Pasche j. m. et ad festum S. Michaelis proximo sequens j. m., et ad omnia ista fideliter facienda predictus Hugo Poleyn nomine filii sui tales invenit fidejussores viz. Adam Scot, Johannem Gosselyn, Willelmum de Mescumb', Johannem Gyote. Et quia predictus Johannes minoris est etatis tradita est custodia terrarum et tenementorum predictorum predicto Hugoni Polein patri predicti Johannis quousque sit plene etatis faciendo inde servicia debita et consueta. Preterea concessum est predicto Hugoni totum bladum existens in terra seminata et heriettum provenientem ad

Ingressus iiij. m.

finis dim. m.

[1] Three essoins.

[2] Supply *habet*.

[3] The letters (a) and (b) seem to mean that this entry should be read after that which follows it. There is a contest as to a tenement; the townships testify that Hugh Poleyn has better right than anyone else, and he, or rather at his request his son John, is put into possession, but with a saving as to the question of right, about which there will be litigation hereafter.

[THE ABBOT OF BATTLE'S COURT AT BRIGHT-WALTHAM.]

Lawday. Court of Brightwaltham holden on Monday next after Ascension Day in the twenty-first year of King Edward [A.D. 1293].

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Conholt. The tithingman of Conholt with his whole tithing present that all is well save that William of Mescombe[1] has stopped up a . . .[2] wrongfully. Therefore he is in mercy (12 d.). Also they say that Edith of Upton has cut down trees in the enclosure and the seisin of the lord contrary to a prohibition, and they say that she has no property and has fled into foreign parts, (amercement, 12 d.).

Adam Scot[3] is made tithingman and sworn to a faithful exercise of his office.

(b) John son of Hugh Poleyn[4] enters on the land which Randolph Tailor held saving the right of everyone and gives for entry-money 4 marks and will pay 1 mark at Michaelmas in the twenty-second year of King Edward, 1 mark at Christmas next following, 1 mark at Easter, and 1 mark at Michaelmas next following, and for the due making of all these payments the said Hugh Poleyn finds sureties, to wit, Adam Scot, John Gosselyn,[5] William of Mescombe,[6] John Gyote. And because the said John is a minor the wardship of the said lands and tenements is delivered to his father the said Hugh Poleyn until he be of full age, on the terms of his performing the services due and accustomed for the same. Also there is granted to the said Hugh the crop now growing on the sown land, and the heriot due on

[1] A half-virgater.
[2] Probably a watercourse.
[3] Tenant of a farthing land.
[4] He held a half-virgate in 1284.
[5] A half-virgater.
[6] Probably a half-virgater.

ingressum[1] pro dimidia marca ad solvend' ad festum S. Michaelis proximo sequens per plegg' predictorum.

finis j. s. (a) Hugo Polein dat domino ij. s. pro habendo consideracionem curie super jure suo cuidam tenemento in Hupton' quod quidem tenementum (J. fil.) Ranulphi le Taillur clamat habere ut jus suum. Et super hoc tota vill' de Brightwalton' jur' simul cum tota vill' de Couenholt et dicunt per sacramentum suum quod Hugo Polein melius jus habet tenendi predictum tenementum quam nullus alius et quod propinquior heres est ut de jure sanguinis.

([2] Casus de Coueneholte super tenura Edithe uxoris Roberti le Taillur prout inquirebatur per jur'. Quidam Alanus Poleyn tenuit quoddam tenementum in Couenholte sub servili condicione et habuit quamdam uxorem nomine Cristinam. Obiit predictus Alanus Poleyn tempore Ricardi firmarii. Veniebant amici predicte Cristine et procurabant predictam Cristinam habere nomine dotis quamdam porcionem terre falsa suggestione quasi esset libere condicionis, et hoc fuit in magnum prejudicium libertatis domini Abbatis. Et super hoc venit quidam Ricardus Aleyn et desponsavit predictam Cristinam et procreavit ex ea quendam Ranulphum. Obiit dictus Ricardus, et predicta Cristina auctoritate sua propria feofavit Ranulphum filium suum de predicto tenemento. Obiit predicta Cristina et Ranulphus in seysina de predicto tenemento desponsavit Editham que nunc petit, et post mortem Ranulphi cepit Editha Robertum le Taillur in virum. Modo videatis et consulatis super jure predicte Edithe. Et sciatis quod si haberem ad manus rotulos curie tempore Willelmi de Lewes ego vobis certificarem et vobis monstrarem multa mirabilia non oportune facta.)

Herteley xij. d. Tota dicena de Herteley venit sicut venire debet et presentat omnia bene esse.

Brightwalton' ij. s. Dicenarius de Brightwalton' cum tota dicena sua pre-

[1] Hugh's half-mark is to cover the heriot which has become due as well as the payment for the growing crop.

[2] The following is on a small strip of parchment sewn to the margin of the roll. It seems to be a copy of a letter written by the steward to the Abbot of Battle concerning the case that has just come before us, of which more will be heard hereafter; see below, p. 173.

this entry, for a half-mark payable at Michaelmas next on the security of the above-named sureties.

(a) Hugh Poleyn gives the lord 2 s. that he may have the judgment of the court as to his right in a certain tenement in Upton[1] which J. son of Randolph Tailor claims as his right. And upon this the whole township of Brightwaltham sworn along with the whole township of Conholt say upon their oath that Hugh Poleyn has better right to hold the said tenement than anyone else has, and that he is the next heir by right of blood.

(The Conholt case as to the tenure of Edith wife of Robert Tailor[2] according to the inquest made by the jurors. One Alan Poleyn held a tenement in Conholt upon servile terms and had a wife Cristina by name. The said Alan died when Richard was the farmer [of the manor]. Thereupon came the friends of the said Cristina and procured for her a part of the land by way of dower making a false suggestion and as though [the land] were of free condition, and this was to the great prejudice of the lord Abbot. Upon this came one Richard Aleyn and espoused the said Cristina and begot upon her one Randolph. Then Richard died, and the said Cristina of her own motion enfeoffed Randolph her son of the said tenement. Then Cristina died, and Randolph being in seisin of the said tenement espoused Edith the present demandant; and after Randolph's death Edith married Robert Tailor. Now you can see and give your counsel about the right of the said Edith. And know this, that if I had at hand the court-rolls of the time when William of Lewes [was steward] I could certify the facts and I could show you many strange things that were improvidently done.)

Hartley. The whole tithing of Hartley comes as it ought to come and presents that all is well.

Bright-waltham. The tithingman of Brightwaltham with his whole tithing

[1] There is an Upton in Hampshire, close to Conholt.
[2] He held a farthing land in 1284.

sentant omnia bene esse preter quod Willelmus de Westewod' fecit defaltam. Dicunt eciam quod Johannes filius Ricardi ad Crucem manet apud Bromham et non est in dicena, ideo preceptum est patri suo habere ipsum ad proximam curiam. Dicunt eciam quod Henricus Faber percussit dominum Robertum Capellanum ad sanguinis effusionem, et predictus Henricus ad excusandum peccatum suum levavit hutesium, ideo in misericordia, plegg' Joh. Attegrene, Ricardo Juven', et Thom' Fabr'. Presentant eciam quod Cristina relicta Radulfi Fabri hospitavit contra assisam, ideo in misericordia pleggio Ricardo Smokiere.

marchet xij. d. Agnes filia Matillidis dat domino xij. d. ad instanciam amicorum ut possit se maritare et non dat amplius quia valde pauper.

[1] * * * * * * *

Curia de Brightwalton' tenta die Mercurii proxima ante Advincula S. Petri anno regni Regis Edwardi xxij°.

* * * * * * *

Inhibitum est omnibus tenentibus domini ne dent alicui de villa vel alicui extraneo aliquas garbas aliquo modo in campis sub pena dim. marce.

Inquisicio facta per senescallum die Martis in crastino S. Mathei de ovibus abductis et aliis transgressionibus factis in manerio de Brictwalton' anno supradicto per quam acceptum est quod Johannes Sket emit de preposito tres oves et cum conventum fuisset de precio earundem idem Johannes oves predictas pascebat in pastura domini, et ideo in misericordia, plegii Johannes Parlefrens et Ricardus Juvenis xl. d.

xl. d.

Ricardus le Fette in misericordia quia accepit contra prohibicionem senescalli garbas in autumpno per liberacionem prepositi, pll' tocius ville.

. . .

[1] Amercements of those who have broken the assize of beer.

present that all is well, save that William of Westwood[1] has made default. They say also that John son of Richard at Cross dwells at Bromham[2] and is not in a tithing. Therefore his father is ordered to produce him at the next court. They say also that Henry Smith struck Sir Robert the chaplain and drew blood and then to conceal his fault raised the hue. Therefore he is in mercy; pledges, John Atgreen, Richard Young and Thomas Smith. They also present that Cristina widow of Ralph Smith has received [a guest] contrary to the assize. Therefore she is in mercy; pledge, Richard Smoker.

Agnes Maud's daughter at the instance of her friends gives the lord 12 d. for permission to marry; she gives no more because she is very poor.

* * * * * * *

Court of Brightwaltham holden on Wednesday next before the feast of S. Peter at Chains in the twenty-second[3] year of King Edward [A.D. 1294].

* * * * * * *

Prohibition is made that none of the lord's tenants upon pain of a half-mark do in anywise give any sheaves in the fields to anyone of the township or to any stranger.

Inquest made by the steward on Tuesday the morrow of S. Matthew[4] as to the abduction of sheep and other trespasses committed in the manor of Brightwaltham in the said year: by which inquest it is found that John Sket bought from the reeve three sheep and when a price had been agreed on between them the said John pastured the said sheep in the lord's pasture. Therefore he is in mercy. Pledges, John Parlefrens[5] and Richard Young[6]; [amercement,] 40 d.

Richard Fette in mercy for receiving sheaves in autumn upon the delivery of the reeve against the prohibition of the steward; pledge, the whole vill.

[1] Probably a freeholder.

[2] A manor in Wilts belonging to the Abbot; Richard is a virgater.

[3] But I think that this should be the twenty-first year, A.D. 1293.

[4] This feast, 21 Sept., fell on Monday in 1293.

[5] French-speaking John is a half-virgater.

[6] A virgater.

Dicunt eciam jurati quod oves non fuerunt abducte per aliquam maliciam nec reducte set per negligenciam Willelmi
. . . . Wachel Pastoris oves quamplures vagantes per patriam discurrebant huc et illuc et ideo idem Johannes[1] in misericordia per pl' tocius ville.

Dicunt quod Johannes Attegren', Johannes de Suthewod', Thomas Faber et Ricardus Juvenis sunt meliores et potenciores tocius ville ad faciendum et complendum officium prepositure, de quibus senescallus elegit ad illud officium Thomam Fabrum. Postea idem Thomas fecit finem ut possit absolvi ab officio prepositure et dat domino
fin. xl. s. xl. s.

[2] * * * * * * *

Dicunt eciam quod Johannes dictus Lord bonus est et domino necessarius ad custodiendum oves matrices et tota villa manucepit pro eo quod bene et fideliter et cum omni diligencia eas custodiet et respondebit pro eo. Dicunt eciam quod Johannes filius Johannis ate Grene necessarius est ad custodiendum multones domini et admissus est et tota villa manucapit pro eo. Dicunt eciam quod Thomas Bagge necessarius est ad tenendum j. carucam et Ricardus Oghtrede ad fugandum. Ad alias vero carucas tam boum quam equorum dicunt quod expedit quod ipsi remaneant cum domino qui anno preterito remanserunt.

Visus Franci Pleggii die Mercurii proxima festum B. Mathei Apostoli anno regni Regis Edwardi xxi°.

[3] * * * * * * *

Hertle Ricardus de Fulrith' decenarius de Hertle cum tota decena sua presentant Gervasium le May, Johannem Couper', Johannem ate Mor' et Nicholaum Sharie deesse quos

[1] Sic. corr. *Willelmus ?*
[2] Amercement for negligence in custody of the lord's wood.
[3] A fine for leave to marry.

And the jurors [of the said inquest] further say that the sheep were not abducted nor brought back again by any malice, but owing to the negligence of William Wachel the shepherd many sheep were wandering about the country hither and thither; and therefore the said [William] is in mercy; pledge, the whole vill.

They say that John Atgreen,[1] John of Southwood,[2] Thomas Smith and Richard Young[3] are the best and most competent men of the whole vill for the purpose of filling and executing the office of reeve. And of these the steward has chosen Thomas Smith for the office. Afterwards the said Thomas made fine that he might be absolved from the office of reeve and gives the lord 40 s.

* * * * * * *

They say also that John surnamed Lord is a good man needful to the lord for the keeping of the ewes. And the whole vill undertook for him that he shall keep them well and truly and with all diligence and will answer for him. They say also that John son of John Atgreen is needful to the lord for keeping the lord's muttons; and he is admitted [to the office] and the whole vill undertakes for him. They say also that Thomas Bagge[4] is needful for holding one plough and Richard Uhtred for driving it. As to the other teams whether of oxen or of horses, they say that it is well that those men should stay with the lord who were with him in the past year.

View of Frank-pledge on Wednesday next [before or after] the feast of S. Matthew in the twenty-first year of King Edward [A.D. 1293].

* * * * * * *

Hartley. Richard of Fulrith tithingman of Hartley with his whole tithing present that Gervase May, John Cooper, John at Moor and Nicholas Sharie are missing [from the frank-pledge]; they undertake to produce them at the next court.

[1] A virgater.
[2] A half-virgater.
[3] A virgater with a small freehold.
[4] A half-virgater. As to the choice of ploughmen, see Cust. Bat 66.

mīa xij. d. manucap' ad proximam curiam. Et quia insufficienter presentant ideo in misericordia.

Prohibitum est tenentibus de Hertle sub pena c. s. ne ad summonicionem alicujus ballivi forinseci veniant ad com' nec hundr' et si de cetero faciant quamquam distringantur et super hoc convincantur quod pena committatur.

Couenholt' Adam Scot decenarius de Couenholt cum tota decena sua presentant[1] . . . . .

Galfridus Will*am* decenarius de Bristwalton' cum tota . . . . . decena sua presentant[2] . . . . . . Presentant eciam quod Thomas Molendinarius manus violentas injecit in Aliciam filiam Radulfi que levavit huthesium. Et quia Galfridus decenarius de nulla violencia presentat set quod ludendo hoc faciebant quod tamen non est verisimile cum huthesium fuisset levatum, ideo idem dicen*ar*' in misericordia, et predictus Thomas Molendinarius in misericordia pro transgressione, plegii Ricardus pater ejusdem et Ricardus Juvenis.

Presentant eciam quod Warinus Agodehulf in contribucionibus et aliis non obedit decen'[3] prout decet. Et idem Warinus venit in plena curia dicit quod est libere condicionis per servicium j. d. per annum. Et compertum est per curiam quod pater ejusdem Warini fuit servilis condicionis unde exitus ipsius manet ejusdem condicionis. Et quia contra justiciam dicit se liberum cum sit servus ideo in misericordia. Pleg' tota decena tam de falso clam' quam de principali.

[4] * * * * * * *

[1] A few defaults. [2] A few defaults and petty offences.
[3] Probably *decenario*; but possibly *decene*. [4] Assize of beer.

And because they make insufficient presentment, therefore they are in mercy, (12 d.)

Prohibition is made that none of the tenants of Hartley upon pain of 100 s. do go to the hundred court or the county court at the summons of any foreign bailiff, and if hereafter they do so, although they may have been distrained into doing it, if they be convicted of it they shall incur the said penalty.[1]

Conholt. Adam Scot tithingman of Conholt and his whole tithing present that . . . . .

Geoffrey Willam[2] tithingman of Brightwaltham and his whole tithing present that . . . . . . They also present that Thomas Miller laid violent hands on Alice daughter of Ralph and that she raised the hue. And for that Geoffrey the tithingman presents that there was no violence but that [Thomas and Alice] were in play, and this is not likely since the hue was raised, let the said tithingman be in mercy, and let Thomas Miller be in mercy for the trespass; pledges, Richard his father and Richard Young.

They further present that Warin Agodehalf[3] does not pay obedience as he ought to his tithingman [*or* his tithing] as regards contributions and other matters. And the said Warin comes into full court and says that he is of free estate by the service of 1 d. a year. And it is found by the court that his father was of servile estate and the father's issue must continue of the same estate. And because against right he says that he is free, whereas he is a serf, therefore he is in mercy, both as to this false claim [of freedom] and as to the main matter [the charge originally made against him]. Pledge, the whole tithing.

* * * * * * *

[1] The Abbot does not wish to lose his immunity from suit to the communal courts.

[2] A half-virgater.

[3] In 1284 he is expressly called 'the villan of the lord.' He holds some small pieces of land including an acre of freehold.

Curia de Bristwalton' tenta die et anno supradicto.

Ricardus Juvenis custos porcorum deputatus per totam villatam de Bristwalton' quia pascebat plures porcos quam habere debet in separali cum porcis domini, ideo in misericordia, plegii Johannes Ategren' et Galfridus Will*am*. Item idem Ricardus in misericordia quia permisit porcos domini deperire et nimis negligens fuit circa custodiam eorundem, plegii Johannes et Galfridus predicti.

mia

mīā

Johannes Sket in misericordia quia pascebat oves proprias cum forag' domini tempore yemis et alias negligens fuit circa custodiam ovium domini. Et finit.

finis dim. m.

Ricardus Juvenis et Johannes ate Gren' qui manuceperunt pro Ricardo ad Crucem ad reficiendum et sustentandum tenementum ejusdem Ricardi in dom' et aliis ad illud pertinentibus, dicunt quod quamdiu habuerunt custodiam illius tenementi domos ad id pertinentes reficiebant et salvo custodiebant, et quando id tenementum fuit deterioratum et devastatum non fuit in custodia eorundem set fuit in custodia dicti Ricardi ad Crucem quando sic erat deterioratum, et de hoc ponunt se alte et basse super dominum et dominum Lucam nunc sacristam de Bello.

* * * * * * *

Rogerus Chapman queritur de Rogero Bisuthewod' de placito detencionis averiorum, plegii de prosequendo Willelmus Carettarius, Johannes Parlefreyns, plegii Rogeri de respondendo Galfridus Will*am* et Johannes Wodeward. Et quia compertum est quod dictus Rogerus Chapman optulit prefato Rogero Warinum Bisuthewod' ad replegg' aver' predictum qui satis est sufficiens pro dampno eidem facto, et ipsum admittere recusavit, consideratum est quod dem Rogerus sit in misericordia domini et faciat emendam sufficientem pro injusta detencione Rogero Chapman supradicto.

* * * * * * *

Ricardus Juvenis dat domino vj. d. pro auxilio habendo de quadam diffamacione et injuria sibi illata per Elenam

Court of Brightwaltham held on the day and year aforesaid.

Richard Young the swineherd appointed by the whole township of Brightwaltham is in mercy for pasturing more pigs of his own than he ought to have in the several along with the pigs of the lord; pledges, John Atgreen and Geoffrey Willam. Also the said Richard is in mercy for allowing the lord's pigs to perish and being unduly negligent in keeping them; pledges, the said John and Geoffrey.

John Sket in mercy for feeding his own sheep in winter time with the lord's forage and for also being negligent about keeping the lord's sheep. He makes fine with a half-mark.

Richard Young and John Atgreen, who undertook for Richard at Cross[1] that the tenement of the said Richard should be repaired and maintained as regards the buildings and other appurtenances, say that so long as they had the custody of the said tenement they repaired and maintained the houses belonging to it, and when that tenement was wasted and fell out of repair it was not in their custody but in that of Richard at Cross; and as to this they put themselves high and low [*du haut en bas*] upon the lord and Sir Luke the present sacrist of Battle.

* * * * * * *

Roger Chapman complains of Roger Bysouthwood in a plea of detaining beasts; pledges for prosecution, William Carter and John Parlefreyns; pledges for defence, Geoffrey Willam and John Woodward. And for that it is found that the said plaintiff offered the defendant as pledge in the replevin of the said beasts Warin Bysouthwood[2] who was quite sufficient surety for the damages and the defendant would not accept him, it is considered that the defendant be in the lord's mercy and do make sufficient amends to the plaintiff for wrongful detention.

* * * * * * *

Richard Young gives the lord 6 d. to have aid as regards a certain slander and injury done to him by Ellen, wife of

[1] A virgater. [2] He held a little of the assart.

fin. vj. d. uxorem Rogeri Chapman. Et compertum est per inquisicionem quod ad instanciam ipsius Elene status ipsius efficitur deterior ad quantitatem v. s. Et idem Ricardus remittit ei pro bono pacis pro xij. d.

Rogerus Chapman dat domino ij. s. pro inquisicione habenda super jure suo quod clamat in quodam tenemento quod quondam tenuit Willelmus Bisuthewod'. Et acceptum est per inquisicionem quod predictus Willelmus non obiit seysitus de tenemento predicto, set reddidit domino totum jus quod habuit in eodem, et dominus dimisit illud tenementum Willelmo Page habendum et tenendum secundum consuetudinem manerii, et post mortem ipsius Willelmi Page filius et heres ipsius intravit in eodem tenemento tanquam heres propinquior et dedit domino pro ingressu xl. s. et tenuit illud ad terminum vite sue et obiit seysitus, post cujus mortem venit Rogerus Chapman predictus et desponsavit Elenam relictam ipsius Willelmi.

* * * * * * *

Curia de Bristwalton' tenta die Jovis proxima post festum Exaltacionis S. Crucis anno supradicto.

Robertus de Eureshole in misericordia quia dimisit terram suam Radulfo Cissori et aliis ad terminum annorum sine licencia. Pleggii de misericordia Johannes Wodeward et Johannes ate Grene.

Johannes Wodeward in misericordia quia contraplacitavit dominum in curia sua. Plegii Johannes ate Grene et Robertus de Eureshole.

Radulfus Prepositus in misericordia quia accepit terram Roberti de Euresole ad terminum annorum absque licencia. Plegii Ricardus Juvenis et Willelmus Parlefrens.

[1] * * * * * * *

Johannes ate Grene electus est per omnes virgar' ad custodiendum boscum et porcos domini et manucapit pro . . . Et injunctum est ei quod si inveniat animalia

[1] Divers other lessors and lessees are in mercy.

Roger Chapman. And it is found by inquest that at the instance of the said Ellen, Richard has been damaged in his estate to the amount of 5 s. Richard forgives all for 12 d. for the sake of peace.

Roger Chapman gives the lord 2 s. for an inquest as to the right which he claims in a certain tenement formerly held by William Bysouthwood. And it is found by inquest that the said William did not die seised of the said tenement, but had surrendered to the lord all the right that he had in it, and the lord demised it to William Page [1] to have and to hold according to the custom of the manor; and after the death of the said William Page his son and heir entered on the said tenement as next heir and gave the lord 40 s. for entry and held it for the term of his life and died seised; and after his death came the said Roger Chapman and married Ellen the widow of the said William.

* * * * * * *

Court of Brightwaltham holden on Thursday next after the Exaltation of Holy Cross in the same year.[2]

Robert of Evershole [3] is in mercy for letting his land to Ralph Tailor and others for a term of years without licence. Pledges for the amercement, John Woodward and John Atgreen.

John Woodward is in mercy for counterpleading the lord in his court. Pledges, John Atgreen and Robert of Evershole.

Ralph Reeve is in mercy for accepting the land of Robert of Evershole for a term of years without licence. Pledges, Richard Young and William Parlefrens.

* * * * * * *

John Atgreen is elected by all the virgaters to guard the wood and swine of the lord and has undertaken . . . And it is enjoined him that if he finds the beasts of any persons

[1] He appears as a cottage tenant in 1284.

[2] The dates are not very plain, but I think that this court belongs to the year 1294.

[3] A virgater.

aliquorum in bosco domini quod eat[1] statim faciat *im-parcari sub pena xl. s.*

Ad istam curiam venit tota communitas villanorum de Bristwalton' et de sua mera et spontanea voluntate sursum reddidit domino totum jus et clamium quod idem villani habere clamabant racione com*mune in* bosco domini qui vocatur Hemele et landis circumadjacentibus, ita quod nec ipsi villani nec aliqui tenementa sua in post*erum* tenentes aliquid juris vel clamii racione commune in bosco predicto et landis circumadjacentibus exigere, vendicare vel habere poterint in perpetuum. Et pro hac sursum reddicione remisit eis dominus de sua gracia *speciali* communam quam habuit in campo qui vocatur Estfeld qui jacet in longitudine ad viam que *se extendit* de la Rede Putte ad boscum domini qui vocatur Hemele. Remisit eciam eisdem communam quam *habuit* in bosco eorundem villanorum qui vocatur Trendale, ita quod decetero idem dominus nulla animalia *habeat* depascencia in communa supradicta nec in bosco predicto. Concessit eciam dominus quod villani quam*cicius* dominus tempore paunagii intret boscum ad paunagiand' porcos suos in bosco suo de Hemele intrent et *ipsi cum* porcis suis usque ad diem B. Martini et dabunt pro paunagio secundum etatem porcorum prout in reg*istro* plenius continetur videlicet pro porco plene etatis j. d. et pro porcello ob.

* * * * * * *

Curia de Bristwalton' tenta die Mercurii proxima ante festum B. Margarete Virginis anno regni Regis Edwardi xxiiii°.

Dominus Willelmus Capellanus in misericordia pro transgressione facta per Thomam fratrem suum in gardino domini pro quo manucepit, plegii Willelmus Fulk', Ricardus
m̄ia Juvenis, Galfridus Will*am*, Willelmus Parlefrens, Johannes

[1] Supply *et*.

in the lord's wood he shall forthwith go and impound them, upon pain of 40 s.

To this court came the whole commonalty of the villans of Brightwaltham and of its mere and spontaneous will surrendered to the lord all the right and claim that the said villans have heretofore claimed by reason of common in the lord's wood called Hemele[1] and the circumadjacent lands, to the intent that neither the said villans nor those who hereafter shall hold their tenements shall henceforth be able to exact, demand or have any right or claim by reason of common in the said wood and circumadjacent lands. And in return for this surrender the lord of his special grace has remised to them the common that he had in the field called Eastfield which lies along the road which runs from the Red Pit to the lord's wood called Hemele. And he has further remised to them the common that he had in the wood of the said villans called Trendale, to the intent that the said lord shall have no beasts pasturing in the said common nor in the said wood. And the lord has also granted that at the time of pannage so soon as ever the lord shall enter his said wood of Hemele for the purpose of pannaging his pigs, they [the said villans] also may enter with their pigs until Martinmas and shall give for pannage according to the age of the pigs as is more fully contained in the Register[2] [of the Abbey], to wit, for a pig of full age a penny, and for a younger pig a halfpenny.

* * * * * * *

Court of Brightwaltham holden on Wednesday next before the feast of S. Margaret in the twenty-fourth year of King Edward [A.D. 1296].

Sir William the chaplain[3] is in mercy for a trespass committed in the lord's garden by his brother Thomas, for whom he has undertaken; pledges, William Fulk,[4] Richard Young, Geoffrey Willam, William Parlefrens, John By-

[1] The Ordnance Map shows an 'Emblens Copse' just outside the village.

[2] Cust. Bat. 61.

[3] A freeholder, and of course a free man.

[4] A freeholder. I think that all the other pledges are villans.

iij. s. Besouthewod', Radulfus Cissor, Johannes Parlefrens, Willelmus Bingeys.

* * * * * * *

Dominus Willelmus Capellanus vad' legem quod non lex deffamavit Henricum clavigerum domini imponendo ei crimina diversa. Et habet diem in proxima curia per sum' vj[ta] manu capellanorum et clericorum.

Idem dominus Willelmus convictus per bonam inquisicionem juratorum quod ipse asportavit gallin' domini et fregit sepes domini et eas portari fecit ad domum suam non vult justificare se de hujusmodi transgressionibus set distr. contemptuose recessit, et consideratum est quod distringatur per catalla sua que habet infra libertatem domini.

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Inquisicio [1] Henricus Morcok, Johannes frater ejus, Johannes Gocelyn, Willelmus de Messcumb', Willelmus frater ejus, Thomas Chanfyns, Willelmus ad Crucem, Johannes Guyot, Johannes Pope, Adam Scot, Galfridus Will*am*, Johannes Aurey, Galfridus Jordan, Thomas Bayge, Rogerus Smokyer', Willelmus Sket, Willelmus ate Kepe, Radulfus Taylur, Ricardus Juvenis, Robertus Osmund, Johannnes Besouthewode, Johannes Wodeward, Rogerus Chapman, Rogerus Besouthewode, Waryn Besouthewode, jur' dicunt per sacramentum suum quod quidam Alanus Poleyn tenuit quoddam tenementum in Couenholte sub condicione servili et desponsavit quamdam Cristinam *nomine et ex ea* procreavit filium Elyam nomine. Defuncto predicto Alano dicta Cristina tenuit integraliter illud idem tenementum secundum *consuetudinem manerii* et postea desponsavit quemdam Ricardum Aleyn qui genuit ex ea quemdam Ranulphum nomine. Advertens postea predictus Elyas filius et heres dicti Alani quod mater sua pro eo quod sine licencia domini

[1] As to this case, see above, p. 165.

southwood, Ralph Tailor, John Parlefrens, and William Bingeys.

* * * * * * *

Sir William the chaplain has waged his law that he did not defame Henry the lord's butler charging him with divers crimes. He has a day at the next court, to which he is to be summoned, to make his law with five compurgators who are to be chaplains and clerks.

The same [Sir] William is convicted by a good inquest of jurors that he broke the lord's hedges, and carried away the lord's fowls and caused them to be taken to his house. He will not justify himself as to these trespasses, but has departed in contempt.[1] It is considered that he be distrained by his chattels that he has within the lord's franchise.

* * * * * * *

Henry Morcock,[2] John his brother, John Jocelyn,[3] William of Mescombe, William his brother,[4] Thomas Chaffinch,[5] William at Cross, John Guyot, John Pope,[6] Adam Scot, Geoffrey Willam,[7] John Aurey, Geoffrey Jordan, Thomas Bayge, Roger Smoker, William Sket, William at Kepe, Ralph Tailor, Richard Young, Robert Osmund, John Bysouthwood, John Woodward, Roger Chapman, Roger Bysouthwood, Warin Bysouthwood, being sworn, say upon their oath that one Alan Poleyn held a certain tenement in Conholt on servile condition and espoused a woman called Cristina and had by her a son Elias by name. On Alan's death the said Cristina held the whole[8] of that tenement according to the custom of the manor and afterwards married one Richard Aleyn, who had by her a son Randolph. Afterwards Elias son and heir of the said Alan [Poleyn] hearing how his mother had lost all right that

[1] Perhaps on the ground that he will not get a judgment of his peers in this court of villans.

[2] Virgater of Conholt.

[3] Two-thirds of a virgate at Conholt.

[4] Probably this should be Walter. The two Mescombes are half-virgaters at Conholt.

[5] Probably half an acre at Conholt.

[6] Probably small folk from Conholt.

[7] Half-virgater at Brightwaltham. The following names seem those of villans of Brightwaltham

[8] By way of free-bench.

accepisset maritum amisisset jus quod habuit in *ten'* . . .[1] accessit ad curiam domini et peciit tenementum patris sui cujus heres extitit ut jus et hereditatem sibi reddi secundum consuetudinem manerii et admissus fuit prout de jure fuerat admittendus, tamen de consensu domini et propria voluntate sua concessit quod dicta Cristina mater sua posset tenere quamdam porcionem ejusdem tenementi (ad terminum vite) de qua quidem porcione eadem Cristina de facto cum de jure non posset feoffavit dictum Ranulphum filium suum, et decessit. Dictus vero Ranulphus existens in seysina ejusdem porcionis desponsavit quamdam Editham nomine et ex ea genuit quemdam Johannem nomine et mortuus est. Quo defuncto dicta Editha quemdam Robertum le Tayllur accepit in virum, qui quidem Robertus existens in seysina ejusdem tenementi sursum reddidit domino in plena curia sua totum jus quod habuit in dicta porcione ejusdem tenementi. Tandem venit quidam Hugo Poleyn filius et heres predicti Elye filii Alani peciit admitti ad predictum tenementum integraliter et fecit finem pro inquisicione habenda in curia domini super jure suo quod habuit in tenemento supradicto,[2] super quo venit inquisicio et dicebat in virtute prestiti sacramenti (quod quidam Alanus Poleyn qui desponsaverat quamdam Cristinam nomine genuit Elyam, quo defuncto dictus Elyas filius et heres dicti Alani desponsavit quamdam Julianam nomine et ex ea genuit Hugonem qui peciit et[3]) quod dictus Hugo sufficiens jus habuit in dicto tenemento nec fuit aliquis alius heres propinquior, unde idem Hugo secundum consuetudinem manerii admissus fuit ad dictum tenementum et fecit finem pro ingressu etc. unde dicunt expresse quod predicta Editha que nunc petit predictam porcionem supradicti tenementi nullum omnino jus habet in demanda sua. Unde consideratum est quod dictus Hugo qui nunc tenet teneat in pace et dicta Matildis in misericordia pro falso clamore.

[1] The roll is torn.

[2] It would seem that the first inquest was called for because Hugh Poleyn had to meet a claim made by a son of Edith and Randolph Tailor. He was now to meet the claim of Edith. See above, p. 166.

[3] Interpolated in the margin.

she had in that tenement because she had married without the lord's leave, came to the lord's court and demanded that the tenement of his father, whose heir he was, should be rendered to him as his right and inheritance according to the custom of the manor, and was admitted [thereto] as by right he ought to have been admitted; nevertheless by the lord's consent and of his own proper will he granted that Cristina his mother might hold a certain portion of the tenement for the term of her life; and of that portion the said Cristina, *de facto*, though she could not do it *de jure*, enfeoffed the said Randolph her son; and then she died. Then the said Randolph being in seisin of the said portion married one Edith and had by her a son John and then died. And after his death Edith married one Robert Tailor, who being in seisin of the said tenement surrendered to the lord in full court all the right that he had in the said portion of the said tenement. After this came Hugh Poleyn, son and heir of the said Elias son of Alan, and demanded to be admitted to the whole of the said tenement, and made fine for an inquest in the lord's court as to the right that he had in the said tenement. Thereupon came an inquest and said upon oath administered to it that Alan Poleyn who had espoused one Cristina begot Elias, and that on Alan's death Elias his son and heir married one Juliana and had by her a son, Hugh the demandant, and that the said Hugh had sufficient right in the said tenement, nor was there any nearer heir. Whereupon the said Hugh was admitted [1] to the said tenement and made fine for his entry etc. Wherefore they say expressly that the said Edith who now demands the said portion of the said tenement has no right at all in her demand. Therefore it is considered that the said Hugh who now holds do hold in peace, and that the said Maud [Edith ?] be in mercy for her false claim.

[1] Rather it would seem that Hugh got his son John admitted. We thus see this tenement passing from father to son for four generations, Alan, Elias, Hugh, John. See above, p. 165-6.

([1] CYROGRAPHUM.)

(Curia de Bristwalton' tenta die Mercurii proxima ante festum B. Margarete Virginis anno regni Regis Edwardi vicesimo quarto. Ad istam curiam venit Johannes le Bolter' et in plena curia recognovit se esse nativum domini Abbatis de Bello et dat domino suo duas marcas argenti ut libere possit recedere a libertate ejusdem absque aliqua calumpnia nayuitatis[2] pro se corporaliter facienda inperpetuum. Plegii dicti Johannis de fine predicto duarum marcarum Robertus Osmund et Radulfus le Tayllur, solvend' citra festum S. Michaelis proximo sequens.)

[1] This is an indenture sewn to the margin of the roll. The word *Cyrographum* is cut through indentwise.

[2] *Sic*, a corrupt form of *nativitatis*, Latin passing into French.

(INDENTURE.)

(Court of Brightwaltham holden on Wednesday next before the feast of S. Margaret the Virgin in the twenty-fourth year of King Edward. To this court came John Bolter and in full court confessed himself the born bondman of the lord Abbot of Battle, and he gives his lord two marks of silver that he may freely depart from his lord's franchise without any claim of naifty [1] being made against his body at any time hereafter. Pledges of the said John that the said fine of two marks will be paid before Michaelmas next, Robert Osmund and Ralph Tailor.)

[1] Any claim, that is, *de nativo habendo*. The action of naifty is that by which a lord reclaims a runaway bondman (*nativus*).

VII. THE ABBESS OF ROMSEY'S COURTS OF THE HUNDRED OF WHORWELSDOWN AND THE MANOR OF ASHTON.

INTRODUCTORY NOTE.

A ROLL of a single membrane in the Record Office (Augmentation Office Court Rolls, Portf. 1, No. 73) contains on its front the proceedings of a single session of an unnamed hundred court, and on its back the proceedings of a single session of the court of the manor of Ashton. We have little difficulty in recognising the hundred of Whorwelsdown and the manor of Steeple Ashton, both of which belonged to the Abbess of Romsey. Whorwelsdown hundred lies in western Wiltshire near Trowbridge, Westbury and Devizes; it comprises, according to modern reckoning,

Ashton, Steeple, Parish.
  Ashton, West, Tithing.
  Hinton, Tithing.
  Littleton, Semington } Chapelry.
Bradley, North, Parish.
  Southwick, Tithing.
Coulston, East, Parish.
Edington, Parish.
  West Coulston, Baynton, Edington, Tinhead } Tithings
Keevil, Parish.

In Domesday Book (i. 68) the church of Romsey is already credited with the manors of Aistone and Edendone. It would appear that the Abbess acquired the hundred, i.e. the hundred court, under a charter of Henry I. at a rent of 40 s. In 1233 she got into litigation about it with the sheriff of Wiltshire, the famous Countess Ela of Salisbury. At length an arrangement was made

and judicially sanctioned ; the terms of it are not uninteresting. The question had been as to the line between the jurisdiction of the sheriff's tourn and that of the ordinary hundred court and it was decided 'that forasmuch as archbishops, barons and all others are summoned to the tourns, the defaults and amercements thence arising belong to the sheriff ; so likewise the view of frank-pledge and the assizes of bread and beer and attachments of false measures and of pleas of the crown ; so likewise pleas touching beasts taken and detained against gage and pledge ; and therefore let these remain to the sheriff unless the Abbess will voluntarily make fine with him for entertaining them : and to the hundred court belong pleas of batteries and medleys if felony be not mentioned and of horses and cattle maimed or wounded and of debts when exacted without the king's writ and other similar pleas without writ which belong to the hundred court in the intervals between the two annual tourns.' (Bracton's Note Book, pl. 775, 1110.) Our roll however makes it probable that the Abbess bought up the sheriff's rights or some of them ;—and, by the way, the permission so easily given her by the king's court to negotiate with the sheriff for a purchase of what are regarded as his rights will explain a great deal in the history of the franchises ;—at any rate we find her making use of the presentment procedure and that too in a very interesting way. The tithingmen come up one by one to make presentments as to what has happened in their respective (territorial) tithings and even offer to prove that they know no more. Of any presenting jury of twelve freeholders, of any system of double presentment such as we read of in Fleta and Britton we see nothing. But here as in the eyre rolls we see that the court has a check upon the presenters, for the tale of one tithingman, for instance as to the levying of hue and cry, can be contrasted with that of another tithingman, and as a result of the comparison one of them may be amerced for a concealment.

Rolls of Henry III.'s day illustrating the procedure of a hundred court seem to be so rare that we print the whole of the entries relating to the business done by the court of Whorwelsdown at the only session that is revealed to us. With a few omissions explained below, we also give all the entries relating to the manorial court of Ashton. These entries were made by a clerk who was not very careful of his penmanship or his Latin, and to transcribe and translate them has not always been easy.

[PLACITA IN HUNDREDO DE HWERUELSDONA ET IN HALIMOTO DE ASTONA.]

Retrohundr' de Hocked' die Veneris proxima ante festum S. Barnabe Apostoli anno regni Regis Henrici xlvj.

Esson' {Johannes Medicus} esson' per Johannem Foke de communi. Tractus quia venit.

Rogerus le þein esson' per Reginaldum Griffin de communi.

Petrus filius Petri de Prato esson' de bat' et huthesium levatum [1] versus Cristin' fil' Johannis Sewold' per Stephanum de Mudwrtleg'.

Opt' Rudulfus de Garston' optulit se versus Rogerum le Bole, vocatus non venit ideo per consideracionem hundredi distringatur quod sit ad proximum hundredum responsurus

distr' de defalta et capitali placito et pleg' ejus similiter distr'.

distr' Nota Thomas Seliit et Walterus de la Splotte thg' de Kuuel' distr' pro defalta.

Hugo Burel et tenementum le Frankelain distr' pro defalta.

Memorandum quod thg' de Suwik' dicunt quod Willelmus de Suwik' et Thomas Cocus habent recett' ad domum

Md. Johannis Hupehull' de Bradel', ideo idem Johannes distr'

distr' quod sit ad proximum hundredum et W. et Thomas sint attachiati si inventi sunt.[2]

Emma relicta de Westaston' in misericordia quia retraxit se de querela sua facta super Will' thg', plegius

[1] *Sic.* [2] *Sic.*

[PLEAS IN THE COURTS OF THE HUNDRED OF WHORWELSDOWN AND THE MANOR OF ASHTON.]

[1] **Arrear Hundred Court for Hokeday held on Friday before the feast of S. Barnabas in the forty-sixth year of King Henry III. [A.D. 1262].**

John Mediciner essoined of the common summons by John Foke. He comes, so his name is struck out.

Roger the Theign essoined of the common summons by Reginald Griffin.

Peter son of Peter Mead essoined against Cristina daughter of John Sewald by Stephen of Mudwortley in a case of battery and raising the hue.

Ralph of Garston appears against Roger le Bole, [who] does not appear when called, so by judgment of the hundred let him be distrained to come to the next hundred [court] to answer both as to his default, and as to the main action, and let his pledges likewise be distrained.

Thomas Seliit and Walter de la Splotte tithingmen of Keevil must be distrained for their default.

Hugh Burel and [the tenants of] Franklain's tenement must be distrained for their default.

Be it remembered that the tithingmen of Southwick say that William of Southwick and Thomas Cook are received at the house of John Uphill of Bradley, so let John be distrained to come to the next hundred [court] and let William and Thomas be attached if they be found.

Emma the widow of West Ashton is in mercy for withdrawing herself from the plaint that she made against William the tithingman; pledges [for the amercement,]

[1] As Hokeday was on 18 April, and S. Barnabas does not occur until 11 June, I take it that this court is held by adjournment, and so is an 'Arrear Hundred.'

vj. d. Johannes Scheregrene et Willelmus Theþingman fin'. Inquiratur qui sunt plegii de querela.

Opt' Cristiana Sewold' querens optulit se versus Petrum filium Petri de Prato, plegii ad prosequendum Johannes Burg' et Johannes Sewold'. Idem Petrus attach' ad respond' Joh' Burg' et Petr' de Prato.

distr' Walterus de Dunstanvilla et Robertus le Busic plegius ejus et Ricardus le Hyrtis plegius dicti W. distr' quod sint ad proximum hundredum ad audiendum judicium suum et ad respondendum de defalt'.

Opt' vj. d. Alicia uxor Johannis de Scalar' querens optulit se versus Eliam filium Ricardi El', plegii ad prosequendum Rogerus Jagard et Johannes de Scalar'. Idem Elias attachiatur ad respondendum dicte Alicie, plegii Johannes Scheregrene et Rogerus Jagard.

ij s. Hunfridus de Bradel' in misericordia pro delicto facto Willelmo de Cantelo, plegii Sampson et Willelmus Blanchard' fin.

vj. d. Thomas Alis in misericordia quia non habuit Gilebertum Molendinarium et Thomam Scardi quos manucepit ad *habendum*.

vj. s. viij. d. De Gileberto Grasenoil pro omnibus querelis et *content'* vj. s. viij. d. Laurencius de Bosco plegius.

Petrus Cheff*ink* queritur de Roberto filio Roberti de Tiddolfessd'. Super hoc venit Ricardus de Tiddoluesd' et petit curiam domin*e* su*e* et datus est ei cur', per assensum hundredi. Habet diem die Lune proxima post Nativitatem S. Johannis Baptiste.

Present thg' Ricardus Blundet thg' de Tiddoluesd' venit et dicit quod nichil scit opt' prob'.

Thomas Alis thg' de Coueleston' venit et mentionem fecit de quodam homine vulnerato in curia domini de Beinton' die Mercurii in ebdomada Pentecostes. Adam

John Shiregreen and William the tithingman; she makes fine (6 d.). Let inquiry be made as to her pledges to prosecute.

Cristina Sewald plaintiff appears against Peter son of Peter Mead; pledges to prosecute, John Burgess and John Sewald. The same Peter is attached to answer John Burgess and Peter Mead.

Walter of Dunstanville and Robert le Busic his pledge and Richard le Hyrtis Walter's pledge must be distrained to come to the next hundred [court] to hear their judgment and to answer for their default.

Alice wife of John of Scales plaintiff appears against Elias son of Richard El'; pledges to prosecute, Roger Jagard and John of Scales. The said Elias is attached to answer the said Alice: pledges, John Shiregreen and Roger Jagard.

Humphrey of Bradley is in mercy for a tort done to William Cantelow; pledges, Sampson and William Blanchard; he makes fine (2 s.).

Thomas Alis is in mercy for not producing Gilbert Miller and Thomas Scardi whom he undertook to produce.

From Gilbert Grasenoil 6 s. 8 d. for all complaints and disputes; pledge, Laurence Wood.

Peter Chaffinch complains of Robert son of Robert of Tilshead. Upon this comes Richard of Tilshead and craves [cognisance of the action for] the court of his lady[1] and this is granted to him by assent of the hundred [court]. He has a day on Monday next after the Nativity of the Baptist.

Presentments of the tithingmen. Richard Blundet tithingman of Tilshead comes and says that he knows nothing and offers to prove this.

Thomas Alis tithingman of Coulston comes and makes mention of a man wounded in the court of the lord of Baynton on Wednesday in Whitsun week. Adam son of

[1] The Abbess of S. Trinity at Caen held the manor of Tilshead; see Hoare's Wiltshire, ii. 42. Part of it seems to be within this hundred, part in another hundred.

filius Johannis Symon assisam fregit. Willelmus Sutor et Willelmus Pain rec' in decenna sua. Nichil aliud etc.

Robertus Ab*ram* thg' de Tunhid' venit et mentionem fecit de lana ab ovibus suis tracta et furata in falda (per vj. d. homines de Tunhid'. Et Radulfus Messarius in misericordia quia convictus et nomina aliorum hominum inquirar' per Ricardum Corbin.[1]) Idem Robertus in misericordia, (vj. d.) quia non habuit Hugonem de Scalar' quem manucepit (Hugo de Scalar' quietus quia sum'[2] non venit) et David famulum Willelmi Sprakeling' quem manucepit. distr' Nichil aliud etc. Thomas Alfr' et Osmund Busic defecerunt.

Willelmus Sprakeling in misericordia quia non habuit xij. d. David famulum suum cujus plegius fuit. Thom' Dunstan et Rob' Ab*ram* pl' fuit.[3]

Ricardus Charke in misericordia quia male dixit pro vj. d. Will' Sprakeling', pl' Rob' Ab*ram* et W. Sprakeling, fin'

[4] Item iterum in misericordia quia dicit se Walt' Pandulf' esse quartum hominem suum. In respectu quia xij. d. alibi.

Ricardus Charke thg' de Tunhid' venit et dicit quod Willelmus Wilanus (vj. d.) et Walterus Blache (vj. d.) assisam fregerunt, manucep'. Nichil aliud etc. Non fecit mentionem huthest' in decenna sua per Cristinam Sewald', ideo in misericordia. In respectu.

Johannes Olen' thg' de Edindon' venit et mentionem fecit de huthesio levato per Petrum de Prato super Walterum famulum et manupastum Radulfi de Edindon' die S. Trinitatis circa horam vesperam. Mentionem fecit de huthesio levato per Cristinam Sewald' super Petrum filium Petri de Prato. Nichil aliud etc.

[1] It is uncertain at what place this interpolated passage should be read.
[2] I translate this as if the word were *summonitor*.
[3] *Sic.* [4] A blank space.

John Simon has broken the assize.[1] William Cobbler and William Pain are received into his [Thomas's] tithing. Nothing more etc.

Robert Abram tithingman of Tinhead comes and mentions that wool has been pulled off his sheep in the fold and stolen by the men of Tinhead. And Ralph Reaper is in mercy for he is convicted, and let inquiry be made for the names of the other men by Richard Corbin. Also Robert is in mercy (6 d.) for not producing Hugh of Scales whom he undertook to produce (Hugh Scales is quit because his summoner has not come) and David servant of William Sprakling whom he undertook to produce. Nothing else etc. Thomas Alfred and Osmund Busic have made default.

William Sprakling in mercy for not producing David his servant whose pledge he was (12 d.). Thomas Dunstan and Robert Abram are [William's] pledges.

Richard Charke in mercy for speaking ill for William Sprakling; pledges, Robert Abram and William Sprakling; he makes fine. He is again in mercy for saying that Walter Pandolf was his fourth man. Respited because [there is an entry about this] elsewhere.[2]

Richard Charke tithingman of Tinhead comes and says that William Wilan (amerced, 6 d.) and Walter Blache (6 d.) have broken the assise. He has undertaken [for their amercements]. Nothing else etc. He makes no mention of the hue raised in his tithing by Cristina Sewald, therefore he is in mercy; the amercement is respited.

John Olen' tithingman of Edington came and made mention of the hue raised by Peter Mead against Walter servant and dependant of Ralph of Edington on Trinity Sunday at the hour of vespers. And he made mention of the hue raised by Cristina Sewald against Peter son of Peter Mead. Nothing else, etc.

[1] The assize of beer or the assize against receipt of strangers.

[2] This passage is obscure. Richard's first offence seems that of mispleading, 'miskenning,' on behalf of William. His second offence may be connected with the representation of each tithing by the tithingman and four men; but the text as it stands seems untranslatable.

Johannes Burg' thg' de Edindon' venit et dicit quod domus Alicie Heþewi fracta fuit nocte Martis in ebdomada Pentecostes et asport' fuerunt unum matell' de burnett' et unum supellex.[1]

Ricardus Hordi thg' de Suwik' venit et dicit quod domus Lucie Hogema' fracta fuit nocte Martis proxima post festum S. Johannis ante Portam Latinam et asport' fuit [2] unum supellex, j. rochett', j. lintheamen et una mappa, pane' et blad'. Interrogatus si aliquem haberet in suspect', dicit quod non. Et nocte Jovis in ebdomada Pentecostes furat' fuit una *rusca* Duce relicte Ricardi Molendinarii. Et mentionem fecit de domo Hugonis Bokel combust' fuit [3] et ipse intus.

Thomas Heribit thg' de Suwik' venit et dicit quod Alexander Priur (condonatur), Nicholaus Burdun (vj. d.) assisam fregerunt. Idem Thomas plegius ad emendacionem faciendam. Nichil aliud etc.

Johannes Hopere thg' de Suwik' venit et dicit quod quidam homo venit ad domum Johannis Huppehull' nocte Sabbati proxima post Inventionem S. Crucis et pannum distr' asportavit. Idem Johannes distr' quod sit ad proximum hundredum responsurus de eo que adversus eum loquer'.

Willelmus thg' de Westaston venit et dicit quod Willelmus de Suwike rec' fuit ad domum Cristine *Walecoc* super tenementum Rogeri Agard' sepissime. Mentionem fecit de combustione facta apud Bradel' et mentionem fecit de lana tracta de ovibus Juliane Sauser et de iij. pell' gross' cum lana furat' in pistrina Johannis Scheregrene. Et mentionem fecit de mellet' fact' inter Eliam filium Ricardi Il' et Walterum filium Walteri le þein die S. Trinitatis post prandium unde huthesium levatum fuit. Idem W. inculpatus de recett' Hugonis le Duc in decenna sua negavit, ideo ad legem.

Walterus *N*el factus est theþingmannus et dicit quod cysta Emma [4] de Aqua fracta fuit et bona sua asportata

[1] Is not *supellex* here used in the sense of *superlectile*, a coverlet?
[2] *Sic.* [3] *Sic.* [4] *Sic.*

John Burgess tithingman of Edington comes and says that the house of Alice Hethewy was broken on the night of Whit-Tuesday and a mantle of burnet and a coverlet were carried thence.

Richard Hordy tithingman of Southwick comes and says that the house of Lucy Hogeman was broken on Tuesday next after the feast of S. John before the Latin Gate and thence were carried off a coverlet and a linen garment and a sheet and a towel, bread and corn. On being asked whether he suspects anyone, he says, No. And on the night of Thursday in Whitsunweek a beehive was stolen from Ducie widow of Richard Miller. And he made mention that the house of Hugh Bokel was burnt and he [Hugh] inside it.

Thomas Heribit tithingman of Southwick comes and says that Alexander Prior (pardoned) and Nicholas Burdun (6 d.) have broken the assize. Thomas is pledge that this be amended. He says nothing else.

John Hoper tithingman of Southwick comes and says that a certain man came to the house of John Uphill on the night of Saturday after the Invention of Holy Cross and carried off clothes. The same John is to be distrained to come to the next hundred [court] to answer those things that shall be charged against him.

William tithingman of West-Ashton comes and says that William of Southwick was very often received in the house of Cristina Walcock on the tenement of Roger Agard. Also he made mention of the fire that took place at Bradley and of wool plucked from the sheep of Juliana Sauser and of three great fleeces of wool stolen in the bakehouse of John Shiregreen. Also he makes mention of a medley between Elias son of Richard Ile and Walter son of Walter the Theign on Trinity Sunday after dinner, about which the hue was raised. The same William is charged with the receipt into his tithing of Hugh le Duc; he denied the charge; therefore let him make his law.

Walter Nele is made tithingman and says that the chest of Emma Waters was broken and her goods were

in curtillag' Ade Doget et de quadam cofer' fract' in domo Due de Aqua et unum *bus' frum'* asportat'. Interrogati si aliquem haberent in suspection' dicunt quod non. Nichil aliud etc.

Walterus Marie thg' de Litleton venit et dicit quod nichil scit opt' prob'. Thomas Stikebd' defec'.

Adam Taleman thg' de Henton' venit et dicit quod nichil scit etc.

Johannes Goin et Willelmus Bercarius thg' de Eston' venerunt et dixerunt quod Jame Bus, Walterus Gopill', Robertus Ailrich', Ysabella de Aula assisam fregerunt et dicunt quod qu*i*dam gallin' invad' fuit per Luciam ancillam Walteri le Taillur.

Thomas Be*nui*t in misericordia pro delicto facto Gile-
vj. d. berto le Fore, fin' vj. d.

mīe. vj. d. Willelmus Hodii in misericordia pro delicto facto Ade Clerico, pl'

Johannes filius Radulfi de Edindon', Robertus de Werministr' et Walterus famulus Radulfi de Edindon' sint attachiati ad respondendum Petro de Prato. Plegii dicti Petri ad prosequendum Rogerus de Coderigg' et Robertus Tutprest.

Defalt' Johannes de Tunhid', Thomas de Che*ni*e, Hugo de Burel, tenementum Johannis le Francl', Radulfus de Tresiberge, Willelmus de Huþe.

Summa xiiij. sol. vj. d. *item* ij. d.

De relicta Ricardi de Gaysford' pro fine terre xx. s., pl' de denariis et servic' terre pl' [1] Laurencius de Bosco et Willelmus Naldeken. Hoc pertinet ad hallimot'.

Willelmus Ailrich' et Adam Bercarius sint districti quod sint ad proximum hundredum quia non habuerunt Nicholaum Juvenem quem plegiaverunt pro Galfrido Sutore vulnerato per dictum Nicholaum Eliam *Juwenet* et Walterum Gopill'.

Thomas *Benuit*, Willelmus de Morheyc', Duce Teinteress, Walterus Norais, Johannes Palmere assisam fregerunt.

[1] *Sic.*

carried off in[to] the courtyard of Adam Doget. And he makes mention of a coffer broken open in the house of Dua Waters and one bushel of wheat carried off. On being asked whether they suspect anyone, they say, No. Nothing else.

Walter Maries tithingman of Littleton comes and says that he knows nothing and offers to prove this. Thomas Stikeb' has made default.

Adam Taleman tithingman of Hinton comes and says that he knows nothing etc.

John Goin and William Shepherd tithingmen of Easton [1] came and said that Jamie Bus, Walter Gopill, Robert Ailrich, and Isabella Hall have broken the assize and that a certain gallon measure was pledged by Lucy servant maid of Walter Tailor.

Thomas Benuit in mercy for a tort done to Gilbert Fore; fine, 6 d.

William Hody in mercy for a tort done to Adam Clerk; pledge [2]

John son of Ralph of Edington, Robert of Warminster and Walter son of Ralph of Edington are to be attached to answer Peter Mead. Peter's pledges to prosecute, Roger of Codridge and Robert Already.

Defaults: John of Tinhead, Thomas of Cheney, Hugh Burel, the tenement of John Franklain, Ralph of Tresborough, William of Huthe.

Sum total 14 s. 6 d. plus 2 d.

From the widow of Richard of Gaysford as a fine for land 20 s.; pledge for the money and for the services due from the land, Laurence Wood and William Noldeken. But this belongs to the hallimoot.

William Ailrich and Adam Shepherd are to be distrained to come to the next hundred [court] for not producing Nicholas Young whom they replevied in the matter of the wounding of Geoffrey Cobbler by the said Nicholas, Elias Juvenet and Walter Gopill.

Thomas Benuit, William of Morheath, Ducie Dyer, Walter Norais, John Palmer have broken the assise.

[1] Seemingly a hamlet of Ashton. [2] The pledge is not named.

[1] Aston Hallim' in Vigilia S. Barnabe Apostoli anno regni Regis Henrici xlvj.

xx. s. Relicta Ricardi de Gaisford' pro fine terre xx s., pleg' de denariis et servic' terre Laurencio de Bosco et Will' Noldeken.

Relicta Willelmi Molendinarii de Luuemed' pro fine
xviij. d. terre xviij. d., pl' de denariis et servic' terre Will' fil' Lucie de Luuemed' et Nich' fr' ejus et quod bene custodiat domum et curtill'.

xx. s. De Duce relicta Rogeri de Aqua pro fine terre xx. s., pl' de denariis et servic' terre et quod bene et honeste custodiat domum et terris,[2] Walt' Nel, Hug' Mabil', Henr' Burdun.

xx. s. viij. d. De Henrico Burdun xxvj. s. viij. d. pro terra Duce de Aqua et sua eque dividend' et quod habeat suam partem eq', Laur' de Bosco, Walt' Preposit', Walt' Nel pl'

vj. pull. { Ricardus Trussert in misericordia pro j. vacca capta in in Daddelesui', Joh' le Þein pl'

Rogerus Minur in misericordia pro ij. vaccis captis in Daddelesuic' ante falcationem. }

Petrus filius Roberti in misericordia pro j. vacca et j. vitul' captis ibidem, Rad' de Aune pl'.

[3] * * * * * * *

Juliana Te*in* in misericordia quia non venit ad tondendum oves Abbatisse sicut debuit.

Rogerus de Brocbure in misericordia pro simili.

[4] * * * * * * *

vj. d. De relicta King pro quadam inquisicione habenda vj. d.

Datus est dies amoris inter Nicholaum Pinchelanc' et Stephanum de Tunhid' prece parcium citra prox' hallim'.

De Nicholao filio Hereberti pro quadam inquisitione
vj. d. habenda super Adam de Wlf' vj. d.

Summa lxx. s. viij d.

[5] * * * * * * *

[1] We turn to the back of the membrane.

[2] *Sic.*

[3] A considerable number of amercements in respect of trespassing beasts; some of the amercements are payable in chicken and geese.

[4] Ten entries similar to the last.

[5] There follows a memorandum as to implements, an axe etc., which are delivered out to the reeve.

Ashton Hallimoot on the vigil of S. Barnabas in the forty-sixth year of King Henry [A.D. 1262].[1]

The widow of Richard of Gaysford, fine for land, 20 s.; pledges for the money and for the services due from the land, Laurence Wood and William Noldeken.

The widow of Ralph Miller of Luvemead, fine for land, 18 d.; pledges for the money and for the services due from the land, William son of Lucy of Luvemead and Nicholas his brother, who also undertake that she will properly maintain the house and curtilage.

Ducie widow of Roger Waters, fine for land, 20 s.; pledges for the money and for the services due from the land and that she will well and duly maintain the house and land, Walter Nele, Hugh Mabil, Henry Burdun.

From Henry Burdun 26 s. 8 d., that his land and that of Ducie Waters may be equally divided and that he may have his equal share; pledges, Laurence Wood, Walter Reeve, and Walter Nele.

Richard Trussert in mercy for a cow caught in Daddleswick; pledge, John the Theign. Roger Minor in mercy for two cows caught in Daddleswick before mowing time.	six fowls.

Peter son of Robert in mercy for one cow and one calf caught in the same place; pledge, Ralph of Aune.

* * * * * * *

Juliana Theign in mercy for not coming as she ought to shear the sheep of the Abbess.

Roger of Brocbure in mercy for the same.

* * * * * * *

Widow King 6 d., that she may have an inquest.

In the action between Nicholas Pinchelance and Stephen of Tinhead at the prayer of the parties a day for compromise is given in the interval before the next hallimoot.

From Nicholas Herbert's son 6 d., that he may have an inquest against Adam Wolf.

Sum total, 70 s. 8 d.

* * * * * * *

[1] S. Barnabas is 11 June, a Sunday in this year; so this court was holden on the day after that on which the hundred court was holden.

GLOSSARY.

affidare, to pledge faith or troth. It seems clear that at least as late as the thirteenth century this word did not imply an oath. Troth seems to have been plighted by grasp of hands, as in our Marriage Service; hence such phrases as affidare in manu alicujus, affidare propria manu sua, fidem dare in manum alicujus. Perhaps we have here a very ancient formal contract (fidem facere) preserved under ecclesiastical protection. Apparently it was not until the end of the middle ages that 'affidavit' began to imply an oath.

beverech (139), a drink, a beverage, which binds a bargain, vin du marché; Du Cange, s.v. biberagium. See Rot. Cart. p. 14, 'emptor vero terre consuetudine quatuor den. ad saisinam dabit et unum den. burgensibus ad beverage.'

bludi (150), probably blue. Du Cange, s.v. blodeus, gives several instances of this word from English documents: blodeo panno, pannos blodei coloris, lectum de blodio et viridi, worstede nigro et blodio; see ibid. s.v. bloius, and Skeat, s.v. blue.

cetewaud (156), 'is for cetewald and that for cetewal with added or excrescent *d*; O. Fr. citoual, cetoual, Chaucer's cetewale, given in Du Cange, s.v. zedoaria, and in most English dictionaries s.v. zedoary. Long note on it in my Glossary to Chaucer's Prioress's Tale (Clarendon Press). Not "valerian" as Halliwell says, but Curcuma zedoaria.' [Note kindly contributed by Dr. Skeat.]

compedes (45, 98), the stocks. On p. 45 this word has been translated fetters; but more probably it means the stocks.

diker' (145). 'A last of leather consisteth of 20 diker and every diker consisteth of ten skins. A diker of gloves consisteth of ten pair of gloves'; Assize of Weights and Measures.

feodelitas (74), fealty. The proper Latin word is fidelitas, but such forms as feoditas, feodelitas are not very uncommon; they are interesting as marks of that fusion of faith and fee (feodum), of personal allegiance and proprietary rights, which constitutes what we mean by feudalism.

fides, see affidare.

gargata (141), the throat; Du Cange, s.v. gargata; O. Fr. gargate, Roquefort.

gata (143), a bowl, a vessel, a dry measure; see below, s.v. *mina*; 'gate, jatte, vaisseau rond,' Roque-

fort; 'jatte, espèce de vase rond,' Littré; see Du Cange, s.v. gabata; Diez, s.v. gavetta.

geste (143), yeast; A.S. gist; see Skeat, s.v. yeast.

incopamentum, incopare (frequent, e.g. 158), an accusation, to accuse; for inculpare, inculpamentum. A plaintiff's count or declaration, which in the king's court is called narratio, seems often to be called incopamentum in the local courts. See Du Cange, s.v. inculpare: Roquefort, s.v. encolper.

juisa (45), the pillory, or the tumbrel. In continental and older English documents it often means the ordeal; but it seems also to have been used in England for those instruments of punishment (judicialia) which the lord of a leet was bound to keep, viz. pillory and tumbrel. See also Britton, i. 79, 180, 191, and Mr. Nichols's Glossary.

kiuilla (62, 63), a fastening pin. A man is bound by tenure to provide for the war a horse, saddle et saccum cum kiuill' for the transport of military baggage. This is the tenure mentioned in Bracton (f. 87 b), Bracton's Note Book (pl. 743), and the Hundred Rolls (i. 157, 218, 237), where the tenant has to find saccum cum brochia, sack and brooch. Our word is from the Latin clavicula; Mod. Fr. cheville, which see in Littré.

mina (33), a dry measure. 'Mensura ad frumentum, et ad bladum, et ad pisa, quae alio nomine Mina vocatur, continet 5 eskippas de duro blado; et istae 4 Minae cum gata quae dicitur Gundulfi faciunt 3 sumas . . . unde Mina et gata faciunt 3 quarteria;' Du Cange, s.v. mina, who takes this from Spelman.

profrum, (80), a proffer, a tender. See Du Cange, s.v. proferum; his examples are mainly drawn from England.

rusca (181), a bee-hive. Fr. ruche; Du Cange, s.v. rusca.

supellex (181 bis). The context seems to show that this word is used for superlectile, a coverlet.

verba curiae (82, 113, etc.), the words of court. It is common to find judgment given against a defendant on the ground that he has not sufficiently defended (i.e. denied) the words of court, verba curiae, les moz de la court, les parolz de la court. This means that he has not traversed with adequate precision the common form allegations contained in his adversary's count, e.g. that in an action of trespass he has not 'defended tort and force and all that is against the peace.' But why should these allegations be 'the words of court'? There is an ancient tract on pleading in which 'les parolz de la courte' is represented in English by 'the words of course.' Is it not possible that this really was the phrase? One can understand why these common form allegations should be called 'words of course'; compare 'writs of course,' brevia de cursu. May not Englishmen pleading in foreign tongues have twisted the phrase, gradually misunderstood it and ended by saying parolz de la court, verba curiae, when they began by saying parolz de course, verba de cursu? Two similar mistakes have been suspected, namely that the 'mere right' of ancient pleadings is really meur,

meaur, meylur dreit, the greater right, jus melius, not jus merum; and that the 'foot of a fine' is really the peace, the concord, the agreement, the French word being originally la pees, from Lat. pacem, not from Lat. pedem. If there be nothing in this suggestion we must seemingly suppose that the 'words of court' are the words necessary to give the court jurisdiction, e.g. by alleging a breach of the king's peace or the lord's peace. See Horwood's YBB. 21 and 22 Ed. I. p. x, 32 and 33 Ed. I. pp. xxxv–xxxvii. As to the necessity for a formal defence, see Blackstone, Com. iii. 296, and (for this is no English peculiarity) Brunner's Wort und Form im altfranzösischen Process.

INDEX OF MATTERS.

INDEX OF PERSONS.

BY F. H. MAITLAND.

NOTE. *The following table shows the arrangement of this Index :—*

I. **Manors of the Abbey of Bec.** (*a*) Atherstone (Warw.), (*b*) Blakenham (Suf.), (*c*) Bledlow (Berks.), (*d*) Combe (Hants.), (*e*) Cottisford (Oxf.), (*f*) Deverel (Wilts.), (*g*) Ogbourne (Wilts.), (*h*) Povington (Wilts.), (*i*) Preston (Sussex), (*k*) Ruislip (Mid.), (*l*) Swincombe (Oxf.), (*m*) Tooting (Surrey), (*n*) Wantage (Berks.), (*o*) Weedon (Northants.), (*p*) Wretham (Norf.)

II. **The Abbot of Ramsey's Honour of Broughton.**

III. **Manors of the Abbey of Ramsey.** (*a*) Elton (Hunt.), (*b*) Gidding (Hunt.), (*c*) Hemingford (Hunt.), (*d*) Stukeley (Hunt.)

IV. **Manor of King's Ripton** (Hunt.)

V. **Fair of S. Ives** (Hunt.)

VI. **Manor of Brightwaltham (Berks.)**

VII. **Hundred of Whorwelsdown and Manor of Ashton (Wilts.)**

I. MANORS OF THE ABBEY OF BEC.

(*a*) **Atherstone (Warwick)**

(*b*) **Blakenham (Suffolk)**

(*c*) **Bledlow (Bucks.)**

(*d*) **Combe (Hants.)**

(*e*) **Cottisford (Oxford)**

(*f*) **Deverel (Wilts.)**

(*g*) **Ogbourne (Wilts.)**

(*l*) Swincombe (Oxford)

(*m*) **Tooting (Surrey)**

(*n*) **Wantage (Berks.)**

(*o*) **Weedon (Northants.)**

(*p*) **Wretham (Norfolk)**

II. THE ABBOT OF RAMSEY'S HONOUR OF BROUGHTON.

20

III. MANORS OF THE ABBEY OF RAMSEY.

(*a*) Elton (Hunts.)

(*b*) Gidding (Hunts.)

(*c*) **Hemingford (Hunts.)**

(*d*) **Stukeley (Hunts.)**

IV. THE ABBOT OF RAMSEY'S MANOR OF KING'S RIPTON.

V. THE FAIR OF S. IVES.

VI. THE ABBOT OF BATTLE'S MANOR OF BRIGHTWALTHAM.

VII. THE ABBESS OF ROMSEY'S HUNDRED OF WHORWELSDOWN AND MANOR OF ASHTON.

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